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PART I

(Part II begins on page 15405)

(Part III begins on page 15417)

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

CLEAN AIR—EPA proposes control standards for seven new stationary sources of pollution; comments by 7–26–73 15406

MATTRESS FLAMMABILITY STANDARD—Consumer Product Safety Commission proposes regulations for administration and enforcement; comments by 7–11–73..... 15373

WATERPROOF FABRICS—Commerce Department recommends standard definition for "waterproofness"; comments by 7–26–73..... 15378

EDUCATIONAL OPPORTUNITY GRANTS—HEW family contribution schedules; effective 7–1–73..... 15417

TELEVISION—FCC proposes to revoke rules on broadcast booster stations; comments by 7–16–73..... 15374

INCOME TAX—IRS announces hearing on proposal concerning salary reduction agreements; 7–17–73..... 15367

TAX-FREE SALES—IRS revokes Form 637, Registration for Tax-Free Transactions; effective 12–31–73..... 15376

LOCAL GOVERNMENT RADIO SERVICE—FCC permits mobile units in certain emergency vehicles; effective 7–16–73 15366

MILITARY AIR TRANSPORTATION—CAB proposes increased minimum rates paid to carriers; comments by 6–27–73 15368

ANTIBIOTICS—FDA changes vancomycin potency test organism; effective 7–11–73..... 15365

PESTICIDES—EPA establishes interim tolerance for plant regulator used on apples; effective 6–11–73..... 15365

MEETINGS—

DoD: Defense Industry Advisory Group in Europe, 6–21–73 15376

Industry Advisory Committee on Maritime Policy, 6–13–73 15376

Advisory Group on Electron Devices, 6–25 to 6–27–73 15376

Citizens' Advisory Council on the Status of Women, 6–16–73 15379

NASA: Post Viking Mars Science Advisory Committee, 6–21 and 6–22–73..... 15398

Commerce Department: Travel Advisory Board, 6–19–73 15378

AEC: U.S. Nuclear Data Committee, 6–18 to 6–20–73..... 15376

REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—Packaging and labeling of biological products such as viruses, toxins, and analogous products.. 12092; 5–9–73

NATIONAL PARK SERVICE—Vehicles and traffic safety, load, weight, length and width limitations..... 12211; 5–10–73

COAST GUARD—Hackensack River, N.J.; drawbridge operation regulations.. 9590; 4–18–73

—AIWW, Vero Beach, Fla.; drawbridge operation regulations 12396; 5–11–73

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION—Identification of specially configured vehicles not available for purchase by public as special vehicles..... 11347; 5–7–73

FDA—Production requirements for biological products; packaging and labeling 12093; 5–9–73

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Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

Rules and Regulations

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS: EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

[Docket No. 73-519]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

This amendment excludes Cameron and Hidalgo Counties in Texas from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR, part 76, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said part 76 apply to the excluded areas. No areas in Texas remain under quarantine.

Pursuant to provisions of the act of May 29, 1884, as amended, the act of February 2, 1903, as amended, the act of March 3, 1905, as amended, the act of September 6, 1961, and the act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), part 76, title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(1) relating to the State of Texas is deleted.

(Sec. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477.)

Effective date.—The foregoing amendment shall become effective June 6, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of June 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-11587 Filed 6-8-73;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Countries Determined To Be Free of Hog Cholera; Trust Territory of the Pacific Islands

Statement of consideration.—For the past several years pork and pork products have been imported into the Island of Guam from the Trust Territory of the Pacific Islands. An amendment to 9 CFR, part 94 published in the FEDERAL REGISTER October 6, 1972 (37 FR 21149), and effective October 2, 1972, prohibited the importation of swine from countries in which hog cholera was declared to exist and restricted the importation of pork and pork products from all such countries, except under requirements specified in § 94.9 which would render such products safe and eliminate the threat of introducing hog cholera into the United States by means of such products. Since the Trust Territory of the Pacific Islands was not included in §§ 94.9 and 94.10 of this amendment as free of hog cholera, or in subsequent revisions thereof, pork and pork products originating in the Trust Territory of the Pacific Islands were not eligible to enter the United States without restriction and the exportation of these products from the Trust Territory of the Pacific Islands into the Island of Guam was discontinued.

In January 1973, officials of the trust territory requested recognition of the trust territory as hog cholera free. For the past 3½ years, veterinarians assigned by the Agriculture Division of the trust territory, have reported no hog cholera diagnosed in the trust territory. The Agriculture Division maintains a force of quarantine inspectors located at specific points throughout the trust territory who check all incoming ships and airplanes to insure that all animals and animal products, as well as garbage imported into the trust territory are in compliance with requirements of the trust territory to prevent the introduction of livestock diseases. Regulations for importation of animals, animal products and garbage into the trust territory are comparable to the requirements for entering similar animals and articles into the United States. Therefore, these amendments add the Trust Territory of the Pacific Islands to the list of countries determined to be free of hog cholera and from which swine, pork and pork products may be imported into the United States without complying with §§ 94.9 and 94.10 but subject to other applicable restrictions.

Pursuant to section 2 of the act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, 134f), part 94, title 9, Code of Federal Regulations, is hereby amended as follows:

Sections 94.9(a) and 94.10 are amended by adding thereto the name of the "Trust Territory of the Pacific Islands" after the reference to "the Republic of Ireland," wherever it appears in these sections.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 37 FR 28464, 28477)

Effective date.—The foregoing amendments shall become effective June 6, 1973.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of June 1973.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-11588 Filed 6-8-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-8-AD; Amendment 39-1659]

PART 39—AIRWORTHINESS DIRECTIVES

General Dynamics Models 22 and 22M

There have been failures of the wing station 180 flap track support rails on General Dynamics model 22 airplanes that could result in an inability to adequately control the aircraft on approach or takeoff. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the flap track support rails area for cracks and replacement if necessary on General Dynamics model 22 and 22M airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GENERAL DYNAMICS.—Applies to models 22 and 22M airplanes.

Compliance, as indicated, required on all airplanes with 28,000 hours or more of total time in service, unless already accomplished.

To prevent failures of the flap track support structure accomplish the following:

a. Within the next 50 landings after the effective date of this AD, unless already accomplished within the last 275 landings, and thereafter at intervals not to exceed 325 landings from the last inspection.

(1) Visually inspect the right and left inboard flap at wing station 180.504 for cracks in the flap track support rails 22-17463-57, -58, -59, -60, in the fitting 22-18994-1, -3 or -5 and in the track supporting structure general vicinity.

(2) If cracks are found in any fitting, it must be replaced before further flight. If cracks are found in the rails or supporting structure other than fittings, parts must be replaced or repaired, before further flight, in a manner approved by the chief, Aircraft Engineering Division, FAA Western Region. Airplanes with minor cracks in fittings, rails or support structure may be flown per FAR 21.197 to a base where replacement or repair of parts can be accomplished.

b. When parts are replaced or repaired per (a)(2) above, the repetitive inspections of (a) above, are no longer required for that part until it accumulates another 28,000 hours' time in service from the last inspection.

For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplanes hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

This amendment becomes effective June 12, 1973.

(Sec. 313(a), 601; 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6 (c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Los Angeles, Calif. on June 1, 1973.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.73-11510 Filed 6-8-73;8:45 am]

[Airspace Docket No. 73-WE-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Crescent City, Calif. Transition Area

On April 5, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 8667), stating that the Federal Aviation Administration (FAA) was considering an amendment to part 71 of the "Federal Aviation Regulations" that would alter the 1,200-foot portion of the Crescent City, Calif., transition area.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, part 71 of the "Federal Aviation Regulations" is amended, effective 0901 G.m.t., August 16, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435) the 1,200-foot portion of the Crescent City transition area is amended by deleting:

"* * * and within 8 miles northeast and 9.5 miles southwest of the Crescent City VORTAC 325° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC." and substituting ", within 8 miles northeast and 9.5 miles southwest of the Crescent City VORTAC 325° radial, extending from the VORTAC to 18.5 miles northwest of the VORTAC and within 9.5 miles southwest and 4.5 miles northeast of the ILS localizer northwest course, extending from the threshold of runway 11 to 25 miles northwest."

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c).)

Issued in Washington, D.C., on May 31, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-11511 Filed 6-8-73;8:45 am]

[Airspace Docket No. 73-GL-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 9029 and 9030 of the FEDERAL REGISTER dated April 9, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of part 71 of the "Federal Aviation Regulations" so as to alter the transition area at Pellston, Mich.

Interested persons were given until May 7, 1973, to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., August 16, 1973.

Issued in Des Plaines, Ill., on May 24, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (38 FR 435), the following transition area is amended to read:

PELLSTON, MICH.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Emmet County Airport (lat. 45°-34'09" N., long. 84°47'45" W.) and within a 6-mile radius of the Cheboygen Municipal Airport (lat. 45°39'15" N., long. 84°31'00" W.); within 5 miles each side of the Pellston VORTAC 238° radial, extending from the 11-mile radius area to 22 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 19-mile radius of the Pellston VORTAC north of parallel 45°45' excluding the portion overlying the Sault Ste. Marie, Mich., transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

[FR Doc.73-11514 Filed 6-8-73;8:45 am]

[Airspace Docket No. 72-WA-32]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Destination of Area High Routes; Correction

On May 21, 1973, FR Doc. 73-9978 was published in the FEDERAL REGISTER (38 FR 13368) which amends part 75 of the Federal Aviation Regulations, effective 0901 G.m.t., July 19, 1973, by designating three area navigation (RNAV) high routes serving operations between southern Florida and east/northeastern terminals.

New routes J993R and J995R both contain waypoint "Topsail, N.C." However, a nearby RNAV low altitude instrument approach procedure also contains a "Topsail, N.C." waypoint. Therefore, action is taken herein to change "Topsail, N.C.," to "Surf City, N.C.," of that waypoint in J993R and J995R routes.

Since this amendment is minor in nature and no substantive change in the regulations or in their effect on the operation of aircraft is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective June 8, 1973, FR Doc. 73-9978 is amended as set forth below.

In J993R "Topsail, N.C., 34 06 00/78 00 00 Raleigh-Durham, N.C.," is deleted and "Surf City, N.C., 34 06 00/78 00 00 Raleigh-Durham, N.C.," is substituted therefor.

In J995R "Topsail, N.C., 34 06 00/70 00 00 Raleigh-Durham, N.C.," is deleted and "Surf City, N.C., 34 06 00/78 00 00 Raleigh-Durham, N.C.," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on May 31, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-11512 Filed 6-8-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Certain Cheese Products; Listing Xanthan Gum as an Optional Ingredient and Changing Labeling Requirements; Confirmation of Effective Date

In the matter of amending the standards of identity for cream cheese, neufchatel cheese, pasteurized process cheese spread, cream cheese with other foods, pasteurized neufchatel cheese spread with other foods, and cold-pack cheese food (21 CFR 19.515, 19.520, 19.775, 19.782, 19.783, 19.787) by listing xanthan gum as an optional ingredient, and of amending the standards of identity for cream cheese and neufchatel cheese to require label declaration of all ingredients used in these foods.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed in response to the order in the above-identified matter published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6883).

Accordingly, the amendment promulgated by that order shall become effective as follows: Compliance with the order, which shall include any labeling changes required, may begin immediately, and all labeling ordered after December 31, 1973, and all labeling used in interstate commerce after December 31, 1974, shall comply with these regulations.

Dated June 4, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-11503 Filed 6-8-73;8:45 am]

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Grated Cheeses; Identity Standard; Microcrystalline Cellulose as Optional Anticaking Agent; Confirmation of Effective Date

In the matter of amending the standard of identity for grated cheeses (21 CFR 19.791) to permit the optional use of microcrystalline cellulose as an anticaking agent in grated cheeses.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 701, 52 Stat. 1046, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed in response to the order in the above-identified matter published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6887). Accordingly, the amendment promulgated by that order became effective May 14, 1973.

Dated June 4, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-11502 Filed 6-8-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Vancomycin; Change of Test Organism Used in Potency Assay Method

In a notice of proposed rulemaking published in the FEDERAL REGISTER of February 13, 1973 (38 FR 4348), the Commissioner of Food and Drugs proposed that the antibiotic drug regulations be amended in part 141 to revise the vancomycin potency assay method by providing for a change of the test organism from *Bacillus cereus* var. *mycoides* (ATCC 11778) to *Bacillus subtilis* (ATCC 6633) as they apply to vancomycin. Interested persons were invited to submit their comments in response to the notice of proposed rulemaking within 60 days. No comments were received. Accordingly, the Commissioner of Food and Drugs concludes that the antibiotic drug regulations should be amended as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), part 141 is amended in § 141.110 *Microbiological agar diffusion assay* in the table in paragraph (a) for the item vancomycin by changing the entry in the column "Test organism" from "G" to "H" and by changing the entry in the column "Incubation temperature for the plates" from "30" to "37."

Effective date.—This order shall become effective July 11, 1973.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357.

Dated June 4, 1973.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.73-11504 Filed 6-8-73;8:45 am]

Title 32A—National Defense Appendix

CHAPTER IX—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Cancellation

Chapter IX, title 32A, National Defense Appendix, Code of Federal Regulations, is hereby canceled.

The cited chapter is obsolete and no longer serves a useful purpose.

Arrangements have been made to substitute appropriate regulatory material in the Code of Emergency Federal Regulations (CEFR), chapter 22, as emergency standby order (ESO) 10-4.30, entitled, "Establishment of Emergency Highway Traffic Regulations (EHTR)."

This action is taken under the authority of 23 U.S.C. 315 and the delegation of authority in § 1.48(b) of the regulations of the Office of the Secretary (36 FR 6570 (1971)).

Effective date. This cancellation is effective on June 11, 1973.

Issued June 5, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-11532 Filed 6-8-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

4,6-Dinitro-o-Cresol and Its Sodium Salt

In connection with pesticide petition No. 1E1067, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of March 28, 1973 (38 FR 8069), proposing establishment of an interim tolerance of 0.02 part per million for residues of 4,6-dinitro-o-cresol and its sodium salt as plant regulators in or on the raw agricultural commodity apples from application to apple trees at the blossom stage as a fruit-thinning agent. No comments or requests for referral to an advisory committee were received. It is concluded that the proposal should be adopted:

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.319 is amended by alphabetically inserting a new item in the table as follows:

§ 180.319 Interim tolerances.

* * * * *

Substance	Use	Tolerances in parts per million	Raw agricultural commodity
*	*	*	*
4,6-Dinitro-o-cresol and its sodium salt.	Plant regulator	0.02	Apples from application to apple trees at the blossom stage as a fruit-thinning agent.
*	*	*	*

Any person who will be adversely affected by the foregoing order may at any time on or before July 11, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on June 11, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e).)

Dated June 5, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-11494 Filed 6-8-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19672; FCC 73-574]

PART 89—PUBLIC SAFETY RADIO SERVICES

Local Government Services; Mobile Communication Units in Certain Emergency and Other Vehicles

Report and order. In the matter of petition to amend part 89 of the rules to permit the installation of mobile units licensed in the local government service in vehicles not operated by the licensee, Docket No. 19672, RM-1547.

1. On January 29, 1973, the Commission issued a notice of proposed rulemaking in the above-entitled matter, which was published in the FEDERAL REGISTER of February 5, 1973 (38 FR 3338). Comments were filed by the Associated Public-Safety Communications Officers, Inc., (APCO), the Department of Health, Education, and Welfare (HEW), the California Ambulance Association (CAA), City of Palo Alto, Northern California Chapter of the Associated Public-Safety Communications Officers, Inc., (NCAP CO) and the States of Colorado and California.

2. The Commission proposed amending part 89 of its rules relating to the permissible scope of nonlicensee use of radio facilities authorized in the local government radio service. As stated in the notice of proposed rulemaking, this would permit a licensee in the local government radio service, in certain situations, to install mobile communication units in emergency vehicles (such as ambulances) not operated by the licensee, as well as in nonemergency vehicles of contractors who are performing, under contract, governmental functions which the licensee might otherwise perform for itself. In proposing this rule amendment, the Commission pointed out that a similar need has already been noted and provided for in the police, fire, highway maintenance, and forestry conservation radio services.

3. The commenting parties fully supported the proposal contained in the notice of proposed rulemaking, and on the basis of the record in this proceeding, we conclude that the public interest would be served by adopting the rule amendments as originally proposed.

4. *Accordingly, it is ordered,* That effective July 16, 1973, part 89 of the Commission's rules is amended, as set forth below. Authority for the adoption of the rule amendment is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. *It is further ordered;* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted May 31, 1973.

Released June 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 89 of the Commission's rules is amended as follows:

In § 89.257, paragraph (a) is added to read:

§ 89.257 Station limitations.

(a) Subject to the provisions of § 89.157, communication units of a licensed local government radio service mobile station may be installed in any vehicle which in an emergency would require cooperation and coordination with the licensee, and in any vehicle used in the performance, under contract, of an official local government activity of the licensee. This provision includes ambulances, emergency units of public utilities, lifeguard emergency units, and vehicles of contractors or other persons or agencies performing for the licensee under contract one or more of its local government functions. This provision does not permit the installation of radio units in nonemergency vehicles not performing governmental functions under contract but with which licensee might wish to communicate.

* * * * *

[FR Doc.73-11575 Filed 6-8-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 16; Amendment 99-6]

PART 99—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Editorial Change

Correction

In FR Doc. 73-11081 appearing at page 14677 in the issue of Monday, June 4, 1973, in the second line of the third paragraph, delete "(publication date)" and insert in lieu thereof, "June 4, 1973".

[1] Commissioner Johnson concurring in the result.

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR, Part 1]

INCOME TAX

Public Hearing Regarding Salary Reduction Agreements

Proposed regulations under sections 402, 403, and 405 of the Internal Revenue Code of 1954, relating to salary reduction agreements, appear in the FEDERAL REGISTER for December 6, 1972 (37 FR 25938).

A public hearing on the provisions of the proposed regulations will be held on July 17, 1973, beginning at 10 a.m., e.d.s.t. and if necessary will continue on July 18, 1973, in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR pt. 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202-964-3935. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rulemaking, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by July 6, 1973. Such outlines should be submitted to the Commissioner of Internal Revenue, attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR pt. 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or suggestions or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by July 10, 1973. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is 10 cents per page, subject to a minimum charge of $1.

An agenda showing the order of the hearing on the proposed regulations and the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on July 16, 1973, by telephoning (Washington, D.C.) 202-964-3935.

LAWRENCE B. GIBBS,
Acting Chief Counsel.

[FR Doc.73-11591 Filed 6-8-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR, Part 915]

HANDLING OF AVOCADOS GROWN IN SOUTH FLORIDA

Proposed Expenses and Rate of Assessment for Fiscal 1973-74 and Carryover of Unexpended Funds

This notice provides interested persons an opportunity to comment upon a proposal submitted by the Avocado Administrative Committee. The proposal is that the secretary authorize a 1973-74 season committee budget of $27,500, an assessment rate of 0.05 per bushel of avocados, and the carryover in reserve of $21,365 excess funds from the 1972-73 season. The committee advises that the foregoing amounts and rate of assessment are essential to its maintenance and functioning during said 1973-74 fiscal period.

Consideration is being given to the following proposal submitted by the Avocado Administrative Committee established under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR pt. 915), regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof.

(1) That the expenses which are reasonable and likely to be incurred by the Avocado Administrative Committee, during the period from April 1, 1973, through March 31, 1974, will amount to $27,500;

(2) That the rate of assessment for such period, payable by each handler in accordance with § 915.41 be fixed at 0.05 per bushel of avocados; and

(3) Unexpended assessment funds in the amount of approximately $21,365, which are in excess of expenses incurred during the fiscal year ending March 31, 1973, shall be carried over as a reserve in accordance with § 915.42 of said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than June 18, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated June 6, 1973.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-11586 Filed 6-8-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR, Parts 191, 191c]

BICYCLES

Proposed Classification as Banned Hazardous Substance

Correction

In FR Doc. 73-9147 appearing at page 12300 in the issue of Thursday, May 10, 1973, make the following changes:

1. In § 191c.4(c) in the penultimate line the word "reflection" should read "deflection".

2. In § 191c.6(f)(1)(iii) in the first and sixth lines following the formula, the symbol *theta* should be a *phi*.

3. Immediately after § 191c.6(f)(3)(iii) insert the following section heading: "§ 191c.7 *Road test.*".

[21 CFR, Parts 191, 191d]

FIREWORKS DEVICES

Denial of Petition; Proposed Classification as Banned Hazardous Substance

Correction

In FR Doc. 73-9540 appearing at page 12880 in the issue of Wednesday, May 16, 1973, make the following changes: In § 191d.17(f) the word "is" in the second line should read "if"; and the word "labeling" in the last line should be followed by a colon.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR, Part 71]

[Airspace Docket No. 73-RM-20]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to part 71 of the Federal Aviation Regulations

which would designate a transition area at Rugby, N. Dak.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station P.O. Box 7213, Denver, Colo. 80207. All communications received on or before July 6, 1973 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

A non-Federal NDB is being installed at Rugby Municipal Airport, Rugby, N. Dak. An instrument approach procedure is being developed utilizing this nondirectional radio beacon, and it is necessary to establish a transition area to provide controlled airspace protection for aircraft executing this procedure.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (38 FR 569) add the following transition area:

RUGBY, N. DAK.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Rugby Municipal Airport (latitude 48°23'15" N., longitude 100°01'15" W.).

That airspace extending upward from 1,200 feet above the surface within a 12-mile radius of the Rugby Municipal Airport and within 9.5 miles north and 4.5 miles south of the 114° bearing from the Rugby, N. Dak., NDB (latitude 48°23'25" N., longitude 100°-01'30" W.); extending from the NDB to 18.5 miles east of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Aurora, Colo., on June 1, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.73-11513 Filed 6-8-73;8:45 am]

Hazardous Materials Regulations Board

[49 CFR, Parts 173, 179]

SAFETY VENTS

Advance Notice of Proposed Rulemaking

Correction

At FR Doc. 73-10606 appearing at page 14111 in the issue of Tuesday, May 29, 1973, the headings should read as set forth above.

CIVIL AERONAUTICS BOARD

[14 CFR, Parts 288, 399]

[Docket No. 25594;[1] EDR-249; PSDR-35]

MILITARY TRANSPORTATION

Proposed Establishment of Minimum Rates

Notice is hereby given that the Civil Aeronautics Board proposes to amend parts 288 and 399 of the regulations with respect to air transportation performed for the Department of Defense (DOD). The principal features of the proposed amendments are discussed in the attached explanatory statement, and the text of the proposed amendment is also attached. The explanatory statement deals with three petitions for amendment of part 288, one in dockets 23553 and 23579 by 12 carriers to amend the long range aircraft rates effective July 1, 1972, another in docket 25222 by two carriers to amend the short range Pacific interisland rates effective July 1, 1972, and the third by a single carrier in docket 25290 to establish uniform minimum cargo rates for short range aircraft operating in the Pacific interisland service effective March 6, 1973. In addition, the DOD has notified the Board that it contemplates that services with wide-bodied aircraft will be included in its future contractual arrangements for expansion services; and, in the absence of an established minimum rate, proposes that the rate for large jet aircraft be made applicable to services performed with the wide-bodied equipment. The Board is proposing in this proceeding, in addition to the retroactive change in certain rates, provisions providing for the establishment of interim final rates effective on or after July 1, 1973, pending the completion of a full-scale MAC rate review and the establishment of final rates, to be effective on a prospective basis. The amendments are proposed under authority of sections 204, 403, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386).

Interested persons may participate in the proposed rule providing for the establishment of interim final rates on a prospective basis, through submission of 12 copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before June 27, 1973, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, room 712, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

Dated June 5, 1973.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

By ER-786, adopted December 29, 1972, the Board amended parts 288 and 399 establishing minimum MAC rates for overseas and foreign air transportation performed for the Military Airlift Command, effective on and after July 1, 1971. A joint petition of Airlift International, Inc., and World Airways, Inc., was filed on February 16, 1973, requesting a retroactive amendment of part 288 increasing the minimum MAC rates for services performed with small turbine (B-727) aircraft in Pacific interisland MAC service to be effective on and after July 1, 1972. This was followed by a joint petition[1] on February 23, 1973, for amendment of the rule to increase the minimum MAC rates for services performed with large turbojet aircraft. A third petition was filed on March 6, 1973, by World requesting amendment of § 288.7 to provide for uniform minimum cargo rates in the Pacific interisland services, and an equalization of rates for L-382/L-100 aircraft[2] with B-727 rates, effective on and after the petition date. The Department of Defense filed answers in opposition to each of the three petitions. By letter dated April 13, 1973, DOD indicates future use of wide-bodied aircraft is anticipated in MAC expansion services and proposes that the large jet aircraft rates be made applicable to these services. The particulars of the petitions and answers are discussed in detail below.

In addition, DOD has expressed its concern with the budgetary and planning problems engendered by retroactive adjustments of MAC minimum rates.[3] The DOD proposes a modification in the Board's MAC ratemaking procedures which it believes will satisfy the Board's objectives in establishing fair and reasonable minimum MAC rates to adequately compensate the carriers for services to DOD and also serve to avoid retroactive rate adjustments.

By this notice we are proposing: (1) Retroactive amendments to increase, for the fiscal year 1973, the minimum rates

[1] Dockets 23553, 23579, 25222, and 25290 have been consolidated into this docket.

[1] By 12 of the 14 carriers providing MAC services with large turbojet aircraft: American Airlines, Inc., Braniff Airways, Inc., Capitol International Airways, Inc., Continental Air Lines, Inc., the Flying Tiger Line Inc., Overseas National Airways, Inc., Pan American World Airways, Inc., Saturn Airways, Inc., Seaboard World Airlines, Inc., Trans International Airlines, Inc., Trans World Airlines, Inc., and World Airways, Inc.—Airlift International, Inc., and United Air Lines, Inc., did not join in this petition.

[2] L-100 aircraft minimum rates currently in effect were established by ER-536, adopted Apr. 25, 1968.

[3] By letter from the Secretary of the Air Force dated April 13, 1973.

for category B charters and for category A individually ticketed and waybilled service; (2) a full-scale review of MAC minimum rates; (3) a modification in MAC ratemaking procedure beginning July 1, 1973; (4) amendment to further increase the minimum rates, as specified above, which will be established as nonadjustable interim final rates effective on or after July 1, 1973, pending completion of the rate review; (5) equalization of minimum rates for L–100 aircraft with B–727 rates; and (6) application of the minimum rates for the large standard jet aircraft to wide-bodied jet aircraft.

The Board has reviewed the carriers' petitions, the answers by DOD, and the latest reported results and other available data in reaching the proposals enumerated above. The analytical techniques and adjustments used are consistent with established Board ratemaking policy and practice. Detailed discussions of the factors underlying these proposals are set out in the subsequent sections of this statement.

CARRIER PETITIONS AND DOD ANSWERS

The salient considerations presented in the three petitions are shown below accompanied by DOD's reply in each case.

I. LONG-RANGE MAC RATES, DOCKETS 23443 AND 25793, FILED FEBRUARY 23, 1973

A. *Petition of the carriers.*—Twelve MAC carriers seek to increase, effective July 1, 1972, the minimum rates for large turbojet aircraft adopted in ER–786.[4] Their petition states:

(a) The Board erred in finding that costs for international MAC operations remained relatively stable during the past 3 years. This error was caused, in part, by the Board's failure to recognize the distortion in overall plane-mile cost trends stemming from the significant shift from passenger service to cargo operations between the base period (1969–70) and fiscal year 1972.

(b) Seven of the joint petitioners submitted evidence to the Board showing the substantial impact of cost inflation.

(c) The Board not only has ample power to amend and correct its findings, but has a statutory duty to do so.

(d) Long range rates for fiscal year 1973 should be increased 2–3 percent above those established in ER–786.

B. *Answer by the DOD.*—DOD replied to the joint petition on March 19, 1973, and made the following comments:

(a) The petition is inappropriate and is not authorized by the Board's own regulations.

(b) ER–786 is a final document in every respect and did not provide for petitions for reconsideration.

(c) The petitioners are attacking the Board's judgment, not seeking to correct an error.

(d) The petitioners reliance on form 243 data is inappropriate since the reports have been shown to be unreliable.

(e) The petitioners incorrectly used plane-mile cost comparisons which do not account for shifts in aircraft type mix.

(f) The joint petition should be dismissed.

II. SHORT-RANGE PACIFIC INTERISLAND MAC RATES, DOCKET 25222, FILED FEBRUARY 16, 1973

A. *Peition of the carriers.*—Airlift and World jointly request amendment of ER–786 to establish higher rates for small turbine aircraft (B–727) in Pacific interisland service effective July 1, 1972. The carriers contend that in fixing the rates in ER–786, the Board committed three errors:

(a) The Board included Southern's cost experience in determining the rate for fiscal year 1973, when Southern had no fixed contract to operate the B–727.

(b) The Board concluded that Pacific interisland costs have remained relatively stable since the 1970 base period, when actually they have increased sharply.

(c) The Board omitted the effect of devaluation on costs and did not fully recognize the actual maintenance costs experienced by World.

The petitioners ask the Board to increase the minimum rates effective on and after July 1, 1972, or start an expedited rate review with new rates to be effective not later than the date of the petition.

B. *Answer by the DOD*—On March 12, 1973, DOD answered the carriers as follows:

(a) The petition is inappropriate and not authorized by the Board's own regulations. Further, DOD believes initiation of a rate review proceeding, expedited or otherwise, is unwarranted at this time.

(b) Rates set in ER–786 are final and amendments should not be made.

(c) While revaluation of the Japanese yen will have some adverse effect on Pacific interisland costs, the degree of the effect is unkown at this time and will not become ascertainable with any degree of accuracy for some time.

(d) The joint petition is a mixture of erroneous interpretations of the law, bad policy and unsupported cost conclusions. Accordingly, the Board should dismiss the petition.

III. SHORT-RANGE PACIFIC INTERISLAND MAC RATES, DOCKET 25290, FILED MARCH 6, 1973

A. *Petition of the carrier.*—World filed this petition requesting the Board to amend § 288.7 of the "Economic Regulations" to establish uniform minimum cargo rates for L–382/L–100–10/20/30 aircraft and B–727 aircraft in Pacific interisland military service. World desires the revised minimum rates to be made effective on and after March 6, 1973.

World's petition states:

(a) The disparity in cargo rates now paid by DOD has placed the B–727 at a serious disadvantage in competing against the L–100 for Pacific interisland business.

(b) Current cost data demonstrate that L–100 rates for Pacific interisland operations should be set at least as high as comparable rates for the B–727.

(c) Common rating has been established by the Board to avoid creating a competitive imbalance among MAC carriers.

(d) The Board has already common rated the B–727 and the L–100 in Logair and Quicktrans operations.

B. *Answer by the DOD.*—On March 30, 1973, the DOD replied to World's petition with the following comments:

(a) It is the primary intent of World's petition to reopen the Pacific interisland B–727 rate and to obtain a very substantial rate increase under the guise of common rating the L–100 and B–727. Common rating the two aircraft types in Pacific interisland service is inappropriate and that initiation of a rate review proceeding is unwarranted.

(b) The petition's cost conclusions are based on unreliable form 243 data.

(c) The L–100 and the B–727 are not competitive aircraft in the Pacific interisland service, hence they should not be commonly rated.

(d) The petition should be dismissed.

RETROACTIVE ADJUSTMENT—FISCAL YEAR 1973

In response to EDR–205A,[5] many of the carriers opposed the Board's proposal that the rates found to be fair and reasonable for fiscal 1972 should not terminate June 30, 1972, but should continue in force for the fiscal year 1973, forward. The Board reviewed the available operating results for fiscal 1972 and found the total unit costs in that period had not changed significantly from the rate base year ended September 30, 1970. Based primarily on this finding, it was the Board's determination that the fiscal 1972 minimum MAC rate findings would continue to be fair and reasonable for such services performed on and after July 1, 1972.[6]

In their petitions, the carriers contend that the Board erred in this determination. They point out that, in using total costs per plane mile, as reported on form 243, the analysis failed to take account of the shift in traffic mix from the past heavily predominant passenger service to the current mix in which cargo services are approximately 40 percent. Further, they demonstrate that if the passenger service costs are eliminated in the cost comparisions for the two periods, the costs per plane mile in fiscal 1972 had risen almost 8 percent above the cost per mile experienced in the year ended September 30, 1970.[7] Moreover, they charge that no provisions were allowed for cost inflation as well as the dollar devaluation which also impacted the carriers' need for higher MAC minimum rates.

[4] *Supra*, footnote 1.

[5] The draft regulation, preceding ER–786, issued May 31, 1972.

[6] Thus no expiration date was provided for the rates established by ER–786.

[7] For the calendar year 1972, these costs were approximately 14 percent higher than for the year ended in September 1970.

Conceptually, the carriers' point appears to be well taken. The substantial shift in the relative proportions of passenger and cargo charters tended to mask the behavior of the unit costs of providing each basic type of service. The increasing proportion of cargo charter flights, operated at lower per plane-mile cost than the passenger charters, tended to reduce the overall weighted average cost per plane mile even though the costs of performing each type of service appear to be measurably higher in fiscal year 1973, than in fiscal year 1972.[8] Accordingly, we must conclude that our extension of the ER–786 rates into fiscal 1973, was based on an erroneous assessment of the reported data. In these circumstances, the matter having been called to our attention by the carriers upon their discovery of the error, we have the power to make the necessary amendments, as of July 1, 1972, and we are of the opinion that such action constitutes the reasonable and equitable course.

We turn now to the proper measure of such increased costs. For this purpose, we have examined the behavior of the carriers' costs and operating results since fiscal year 1972, to assess the extent to which the fiscal year 1972 rates would be unreasonable if applied to operations in fiscal year 1973. Appendices C and D[9] set forth the reported and adjusted operating results for fiscal and calendar years 1972, respectively.

Most significant is the fact that the carriers' aggregate plane-mile costs increased by 4.2 percent in calendar year 1972 over fiscal year 1972 on an adjusted basis. When passenger service costs are eliminated, as the carriers do in their analysis, the increase is approximately 5.5 percent. These data suggest the existence of a sharp increase in unit costs of service in the second half of 1972 versus the same period in 1971, not revealed in our earlier analysis of the matter. These circumstances are also reflected in the carriers' reported earnings which declined in the calendar year to 7.39 percent on investment.[10] It may also be noted that a revenue increase of 4 percent would have been necessary to produce a 1972 return on investment of 9.39 percent, the ratemaking standard,[11] instead of the 7.39 percent actually achieved. A revenue increase of 2.96 percent would have been required to produce the same return on investment as earned in fiscal year 1972.

These data point to a clear upward cost trend, not apparent to us when we adopted ER–786, and a concommitant substantial reduction in earnings. The carriers urge a 2–3 percent increase in rates effective July 1, 1972, on the basis of their analysis. Our own review of the matter supports that result. The exact amount of the adjustment is a matter of judgment, of course, within the range of indicators we have developed. Upon careful consideration of the information before us, we conclude that a 2.5-percent increase in the category A and B minimum rates is warranted effective July 1, 1972.[12]

MODIFICATION OF MAC RATEMAKING PROCEDURE

The DOD asserts that the imposition of substantial lump-sum charges to the military departments after the services have been performed places a serious burden on the limited funds available for operations and maintenance. Furthermore, the impact of such retroactive charges would become even more serious in the future as DOD is making every effort to limit its budget to essential activities and that any stopping of these activities in order to pay retroactive increased air service charges would have a serious impact on defense preparedness. Therefore, the DOD considers it essential to know in advance exactly what prices it will have to pay for various types of air transport services. Consequently, we were advised that, in the interest of national defense, the DOD feels compelled to provide in future contracts, beginning with the fiscal year 1974, that the services will be paid for at the currently effective prices without subsequent retroactive adjustment.

At the same time, the DOD recognizes its obligation to work with the Board to assure the maintenance of fair and reasonable minimum rates for services performed by the carriers. It appreciates that, with rapid and substantial changes in the carriers' cost situation, existing rates may be clearly not appropriate even at the start of a MAC rate review. Accordingly, the DOD suggests a modification of our ratemaking procedures which it believes could accomplish the Board's objectives and avoid retroactive rate adjustments. In summary, the DOD proposal is that, upon determination by the Board that the existing rates are no longer valid and a review is warranted, based on available preliminary data the Board would establish an interim final rate pending the completion of a full-scale rate review. This interim final rate could be adjusted at any point during the review; however, the interim final rates would be effective prospectively only and not subject to retroactive adjustment. As contemplated by the DOD, the Board would then complete its full rate review in an orderly and expeditious manner and would promptly publish the fair and reasonable rates established by that review for prospective applicability.

The Board is also concerned with the problems brought about by retroactive adjustments of MAC minimum rates, which impose fiscal burdens and uncertainties on both the carriers and the DOD. While we understand the DOD's position in this matter, it must be noted that part 288 affords the carriers exemptions to provide contract services to the DOD subject to the prescribed minimum rates; and, if the contract terms were to call for charges below those minimum rates whether established prospectively or retroactively, it would place the carriers in the position of violating the Federal Aviation Act. However, we believe that the situation deserves a considered effort and cooperation by all parties and the Board to minimize retroactive adjustments consistent with the provisions of the act and the Board's regulations.

Towards this objective, we have carefully reviewed the DOD proposal for modifications of the MAC ratemaking procedures and believe it has considerable merit as an acceptable resolution of the retroactive adjustment problem. Therefore, we are proposing to modify our rulemaking procedures applicable to establishing minimum MAC rates along the lines of the DOD proposal, commencing with this proceeding for fiscal year 1974, forward. Accordingly, based on an expedited analysis of available reported results and other related data, we are proposing interim final MAC minimum rates, pursuant to the determinations outlined in the next section, which will be effective on or after July 1, 1973,[13] during the pendency of our detailed MAC rate review. These interim final rates shall not be subject to retroactive adjustment for the determinations obtained from the rate review. Upon completion of the review, which we direct shall proceed as expeditiously as possible, any amendment of rates resulting from determinations therein shall be established for prospective application, to supersede the then currently effective interim final rate.

INTERIM FINAL RATES—FISCAL YEAR 1974

As indicated in appendix B[14] for calendar year 1972, in long-range operations, the carriers on an adjusted basis earned

[8] On the other hand, contrary to DOD's contention, the change in aircraft mix had a minimal cost impact. The analysis, set forth in appendix F which is filed as part of the original document, indicates that the total per plane-mile cost reported for current operations actually decreased by 1 percent from services performed in the year ended September 1970, due to changes in the aircraft type relationships to total services performed in the two periods.

[9] Filed as part of the original document.

[10] See appendix B filed as part of the original document for these data.

[11] Based on 10.5 percent for owned investment plus 4.5 percent on excess leased aircraft in accordance with PS–44.

[12] We recognize the limitations in the part 243 data adverted to by DOD in its answer. We believe, however, that the reports are sufficiently reliable for the comparative purposes employed herein. We also accept DOD assertions regarding the limitations of plane mile costs as an indicator of changing cost levels over time due in part to changes in the mix of aircraft. However, our analyses, based on fiscal year 1972 and calendar year 1972 comparisons reflect a relatively short time span during which the equipment mix did not change greatly. Moreover, the rate adjustment adopted herein is well below the indicated increase in plane-mile costs. Also see footnote 8, supra.

[13] Specifically, it is our intention to establish the interim final rates effective July 1, 1973, or as soon thereafter as a final rule can be issued.

[14] Filed as part of the original document.

a return of 7.58 percent as compared to a recognized return of 9.40 percent. This would require an increase in the rates of 3.65 percent over those provided for in ER–786 in order to give the carriers an opportunity to realize the fair return on investment under the Board's ratemaking standards.

Appendix B also indicates that for calendar year 1972 in the short-range Pacific interisland operation the three operating carriers (Airlift, Southern, and World), achieved a return of 5.18 percent as compared to a recognized return of 9.13 percent. We have been informed by representatives of Airlift that the carrier will not participate in the Pacific interisland operation for fiscal 1974. With Airlift removed from the computation, Southern and World obtained a combined return of 6.91 percent as compared to a ratemaking standard of 8.81 percent. However, a part of this return deficiency results from Southern's substitution of L–100 aircraft for the lower cost B–727 aircraft. In addition, Southern's revenues were depressed because it was being paid for the L–100 at a rate considerably below that for B–727 services, which had been established in 1968. With equalization of the L–100 rates at the current level for the B–727 aircraft in the short-range Pacific interisland operation, as hereinafter discussed, the return for calendar 1972, would have been 9.72 percent, thus indicating no rate increase is required.

Examination of the reported rate of return for the "all other" short-range operations in calendar year 1972, showed that the return achieved was 4.46 percent, well below that which the Board would recognize as fair and reasonable for these services. However, of the four reporting carriers in calendar 1972, Eastern's operations covered only one quarter and we are informed that Braniff will not participate in the fiscal 1974 services. Thus, not only does the magnitude of the return deficiency raise questions as to the validity of the reported results, when compared to the results obtained for the other areas of MAC services, but the carrier base for fiscal year 1974 will be changed. Accordingly, we believe that future rate determinations for the "all other" short-range operations would be best resolved within the full-scale review. Therefore, for purposes of the proposed interim final rate to be effective on and after July 1, 1973, as applicable to these services, we will continue the 2.5-percent rate increase found above to be fair and reasonable for fiscal 1973, plus adjustment for the fuel price increase discussed below.

The above increases in the rates would not cover the effects of devaluation of the U.S. dollar or the increase in fuel prices which have already taken place since December 1972. From review of available data and as indicated in appendix A,[15] we have computed the effect of devaluation on the future interim MAC rates over calendar 1972 results, as being .630 percent in the long-range category and 2.637 percent for the short-range Pacific interisland category. The difference in the cost increases as between the long range and the Pacific interisland operations, is related to the character of their services. The Pacific interisland operation requires that maintenance and flight crews and aircraft be permanently based in the Pacific area. This results in larger expenditures of foreign currencies as compared to the long-range operation wherein the personnel and aircraft return to the States. On the other hand, the operations of the short-range aircraft in the "all other" category requires little, if any, expenditure of foreign currency; and, therefore, we are not proposing any increase in the rate to cover devaluation in this service category.

On April 2, 1973, by letter attached as appendix E,[16] MAC informed all contract carriers that the price of jet fuel purchased at military bases would be increased effective April 1, 1973, from $.107 per gallon, to $.113, or 5.6 percent. Based on review of data submitted to the Board, which indicates that approximately 50 percent of the fuel used in MAC service is purchased from the military, we are proposing that the interim rates, based on results for calendar 1972, to be effective July 1, 1973, be further increased by .390 percent for the long range, .411 percent for the short-range Pacific interisland and .364 percent for the short-range "all other," to cover this known price increase.

In addition, we are proposing herein, a fuel price adjustment clause which will automatically increase or decrease the minimum MAC rates in order to neutralize fluctuations in the prices of fuel purchased by the carriers from the military.

In summary, we are therefore proposing as interim final rates, as set out in appendix A, that the rates provided for in ER–786 dated December 29, 1972, be increased effective July 1, 1973, as follows:

For long-range jet aircraft 4.670 percent; for short-range Pacific interisland operation 3.048 percent; and, "all other" short-range aircraft 2.864 percent.

EQUALIZATION OF MINIMUM RATES

A. *L–100 minimum rates Pacific-Interisland Service.*—World Airways requested that uniform L–100 and B–727 Pacific interisland rates be established. We agree with World that there is a need to equalize the rates between these two types of aircraft. The Board has indicated in the past the necessity to maintain rate parity among the various competing aircraft in order not to create a competitive imbalance among contractors and equipment.[17] In fact, the Board, as World notes, has common rated the B–727 and L–100 in the domestic Logair and Quicktrans operations based on recommendation by DOD.[18]

We are therefore proposing herein that the equalization of the L–100 minimum rates with that of the B–727 in the Pacific interisland operation be made effective July 1, 1973, with the interim final rates.

B. *Wide-bodied aircraft.*—DOD has requested that the Board amend the rule to include a provision that services performed under the MAC contract with wide-bodied aircraft be paid for at the same unit rates per seat mile or per ton mile as set by the Board for large standard jet aircraft (Boeing 707 and Douglas DC–8's) until the Board establishes other rates for the wide-body aircraft. While the DOD indicated that it did not anticipate the use of wide-body aircraft at this time on its scheduled channel operations, it does anticipate possible need for this equipment in its expansion services.

We are, therefore, proposing an interim final rate provision effective July 1, 1973, for the amended minimum rates applicable to the standard and stretched jets to be also applicable to the wide-bodied aircraft. We are also proposing to amend the table in § 288.8 to prescribe the minimum aircraft loads for such wide-bodied aircraft.

It is proposed to amend part 288 of the "Economic Regulations" and part 399, "Statements of General Policy" (14 CFR, pts. 288 and 399), as follows:

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

1. Amend § 288.7(a)(1) and (d)(1) and (2) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * * * *

(a) * * *

(1) Performed with turbine-powered aircraft:

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[15] Filed as part of the original document.

[16] Filed as part of the original document.

[17] Notice of proposed rulemaking, EDR–113 dated March 15, 1967, page 8 (32 F.R. 4421).

[18] ER–626 adopted June 18, 1970 and EDR–181 dated April 14, 1970, page 6.

AMENDED RATES EFFECTIVE JULY 1, 1972—JUNE 30, 1973

Aircraft type	Passengers, per passenger-mile		Cargo, per ton-mile		Convertible [1]		Mixed passenger-cargo per revenue plane-mile [1]	
	Round trip	One way	Round trip	One way	Passenger leg, per passenger-mile	Cargo leg, ton-mile	Round trip	One way
Turboprops:	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Dollars*	*Dollars*
CL-44	2.00	3.60	9.36	17.19				
L-382/L-100-10/20/30			10.05	19.64				
Regular turbojets	[2] 2.008	3.778	7.923	15.276	2.008	9.134		
Passengers-pallets:								
165 and 0							3.313	6.234
117 and 3							3.191	6.013
105 and 4							3.169	5.991
93 and 5							3.129	5.917
81 and 6							3.090	5.809
63 and 7							3.052	5.827
51 and 8							3.022	5.779
0 and 12							2.892	5.570
DC-8F-61-63	2.008	3.778	7.923	15.276	2.008	9.134		
Passengers-pallets:								
219 and 0							4.397	8.271
159 and 5							4.170	7.890
65 and 12							3.812	7.209
47 and 13							3.711	7.175
0 and 18							3.566	6.871
B-727-Pacific inter-island	[3] 2.631	[3] 5.025	13.872	27.607	2.631	16.647		
Passengers-pallets:								
105 and 0							2.762	5.270
61 and 2							2.652	5.118
50 and 3							2.624	5.116
46 and 4							2.611	5.103
0 and 7							2.497	4.969
B-727—All other	[3] 2.889	[3] 5.520	14.340	28.536	2.889	17.208		
Passengers-pallets:								
105 and 0							3.034	5.795
61 and 2							2.814	5.520
50 and 3							2.797	5.451
46 and 4							2.780	5.427
0 and 7							2.681	5.130

[1] Conversion charges for convertible flights or variable mixed flights shall be at the rate of $50 per seat each segment.
[2] The minimum rate for operation of B-707 in Recreation and Rehabilitation (R&R) service between the Republic of South Vietnam, on the one hand, and Thailand, Malaysia, Singapore, the Republic of the Philippines, Hong Kong, and Taiwan, on the other, shall be 2.631 cents per passenger-mile.
[3] Also applies to CV-990 aircraft.

AMENDED RATES EFFECTIVE JULY 1, 1973

Aircraft type	Passengers, per passenger-mile		Cargo, per ton-mile		Convertible [1]		Mixed passenger-cargo per revenue plane-mile [1]	
	Round trip	One way	Round trip	One way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round trip	One way
Turboprops:	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Dollars*	*Dollars*
CL-44	2.00	3.60	9.36	17.19				
L-382/L-100-10/20/30 [2]			10.05	19.64				
Regular turbojets	[3] 2.050	3.853	8.091	15.999	2.050	9.327		
Passengers-pallets:								
165 and 0							3.383	6.366
117 and 3							3.258	6.170
105 and 4							3.237	6.131
93 and 5							3.199	6.073
81 and 6							3.161	6.021
63 and 7							3.117	5.950
51 and 8							3.086	5.901
0 and 12							2.953	5.694
DC-8F-61-63	[4] 2.050	[4] 3.853	[4] 8.091	[4] 15.599	[4] 2.050	[4] 9.327		
Passengers-pallets:								
119 and 0							4.490	8.419
159 and 5							4.258	8.057
65 and 12							3.893	7.411
47 and 13							3.824	7.327
0 and 18							3.641	7.019
B-727 Pacific inter-island	[5] 2.645	[5] 5.051	13.947	27.775	2.645	16.736		
Passengers-pallets:								
105 and 0							2.777	5.304
61 and 2							2.666	5.175
50 and 3							2.638	5.143
46 and 4							2.628	5.131
0 and 7							2.510	4.990
B-727—All other	[5] 2.900	[5] 5.539	14.391	28.637	2.900	17.269		
Passengers-pallets:								
105 and 0							3.045	5.816
61 and 2							2.854	5.539
50 and 3							2.807	5.470
46 and 4							2.790	5.445
0 and 7							2.690	5.155

[1] Conversion charges for convertible flights or variable mixed flights shall be at the rate of $50 per seat changed on each segment.
[2] The rates for L-100-10/20/30 aircraft in Pacific inter-island services shall be the same as for the B-727.
[3] The minimum rate for operation of B-707 in Recreation and Rehabilitation (R&R) service between the Republic of South Vietnam, on the one hand, and Thailand, Malaysia, Singapore, the Republic of the Philippines, Hong Kong, and Taiwan on the other, shall be 2.645 cents per passenger-mile.
[4] Also applies to wide-bodied (B-747 and DC-10) aircraft.
[5] Also applies to CV-990 aircraft.

Provided, however, That, effective July 1, 1973, if the price of any fuel or petroleum product purchased from DOD for such services varies from the levels specified in the attached appendix E, the total minimum compensation for the transportation provided shall be adjusted (either upward or downward, as the case may be) by the difference in the price per gallon for such product paid by the carrier and the price specified for such product in the attached appendix E times the number of U.S. gallons of such product purchased by the carrier from DOD for the transportation provided.

* * * * *

(d) For category A transportation:

(1) Passengers:

(i) For services performed between July 1, 1972, and June 30, 1973, 3.778 cents per passenger-mile.

(ii) For services performed on and after July 1, 1973, 3.858 cents per passenger-mile.

(2) Cargo:

(i) For services performed between July 1, 1972 and June 30, 1973, 15.276 cents per ton-mile.

(ii) For services performed on and after July 1, 1973, 15.559 cents per ton-mile.

* * * * *

3. Replace the table in § 288.8 (minimum aircraft loads) with the following:

Aircraft type	Number of passengers, all-passenger and convertible flights	Tons of cargo	
		All-cargo flights	Convertible flights
B-747	375	90	90
DC-10-40	280		
DC-10-30	303	75	75
DC-10-10	280	60	60
B-707-320-B/C	165	36.5	31.7
B-707-300 series	159		
B-707-138B	137		
B-707-100 series (other)	149		
DC-8F-61, -63	219	45	39.0
DC-8-62	165	39.2	
DC-8F	165	36.5	31.7
DC-8 (50 series)	149		
DC-8 (other)	147		
DC-9-30	95		
B-727	105	18	15.0
CV-990	105		
CL-44	148	29.35	
L-382		20.7	
L-100-10/20/30		20.7	
L-1649A	95	18	15
L-1049-C/E/G/H	95	18	15
DC-7B/C/CF/F	95	18	15
L-1049A	88	15	12
DC-7	88	15	12
DC-6/A/B/C	83	13	12
DC-4	60	8	6

PART 399—STATEMENT OF GENERAL POLICY

Amend § 399.16(b) to read as follows:

§ 399.16 Military exemptions.

* * * * *

(b) The minimum charges considered fair and reasonable for the transportation of category Z individually ticketed passengers in foreign and overseas air transportation and in air transportation between the 48 contiguous States on the one hand, and Hawaii or Alaska on the other, effective on and after July 1, 1973, will be 3.858 cents per passenger-mile, applied to the shortest mileage between the commercial air carrier points as set forth in the current "IATA Mileage Manual" to compute point-to-point passenger fares.

[FR Doc.73-11484 Filed 6-8-73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR, Part 302]

FLAMMABILITY STANDARD FOR MATTRESSES

Proposed Administration and Enforcement Regulation

On May 31, 1972, the Secretary of Commerce issued a "Flammability Standard for Mattresses" (DOC FF 4-72) which was published in the FEDERAL REGISTER of June 7, 1972 (37 FR 11362). The issuance was pursuant to certain provisions of the Flammable Fabrics Act.

Effective May 14, 1973, section 30(b) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1231; 15 U.S.C. 2079(b)) transferred functions under the Flammable Fabrics Act from the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the Federal Trade Commission to the Consumer Product Safety Commission.

Subsequently, the Flammability Standard for Mattresses (FF 4-72) was amended and reissued by the Consumer Product Safety Commission by a notice dated June 1, 1973, and published in the FEDERAL REGISTER of June 8, 1973 (38 FR 15095). The effective date of the standard as amended is June 7, 1973.

Notice is given that the Consumer Product Safety Commission, pursuant to provisions of the Flammable Fabrics Act (sec. 5, 67 Stat. 112, as amended 81 Stat. 570; 15 U.S.C. 1194) and under authority vested in the Commission as stated above, proposes to add a new section to 16 CFR, part 302 setting forth a regulation necessary and proper for the administration and enforcement of the Flammability Standard for Mattresses. The proposed regulation includes specific provisions regarding labeling, recordkeeping, and guaranty testing.

Interested persons are invited to submit, on or before July 11, 1973, written comments regarding this proposal. Comments and any accompanying material or data should be submitted, preferably in sextuplicate, addressed to the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20016. Received comments may be seen in the Office of the Secretary, seventh floor, Air Rights Building, 7315 Wisconsin Avenue, Bethesda, Md., during working hours Monday through Friday.

Accordingly, the Commission proposes to add a new § 302.20 to part 302 of title 16, chapter I, as follows:

§ 302.20 Mattresses—labeling, recordkeeping requirements, and guaranties under FF 4-72.

(a) *Definitions.*—For the purposes of this section the following definitions apply:

(1) "Flammability Standard for Mattresses" or "Standard" means the Flammability Standard for Mattresses (FF 4-72) promulgated by the Secretary of Commerce and published in the FEDERAL REGISTER of June 7, 1972 (37 FR 11362), as amended and reissued by the Consumer Product Safety Commission in a notice dated June 1, 1973, and published in the FEDERAL REGISTER of June 8, 1973 (38 FR 15095), which Standard as amended is effective June 7, 1973.

(2) The definition of terms set forth in the Standard shall also apply to this section. (It should be noted that the definition of "mattress" in the Standard includes, among other things, mattress pads.)

(b) *Labeling.*—(1) All mattress pads which have had a chemical fire retardant treatment or contain any fire retardant treated components shall be labeled with precautionary instructions to protect the pads from agents or treatments which are known to cause deterioration of their flame resistance. Such labels shall be permanent, prominent, conspicuous, and legible.

(2) If a mattress pad has had a chemical fire retardant treatment or contains any fire retardant treated components, it shall be prominently, conspicuously, and legibly labeled with the letter "T".

(3) Every manufacturer, importer, or other person initially introducing mattresses subject to the Standard into commerce shall assign to each mattress a unit identification (number, letter, or date) sufficient to identify and relate to the production unit of which the mattress is a part. Such unit identification shall be designated in such a way as to indicate that it is a production unit identification under the Flammability Standard for Mattresses. Each mattress subject to the Standard shall bear a permanent, accessible, and legible label containing the appropriate production unit identification relating to such mattress.

(4) The information required on labels by this section shall be set forth separately from any other information appearing on such label. Nonrequired information, representations, or disclosures, appearing on labels required by this section or elsewhere on the item shall not interfere with, minimize, detract from, or conflict with the required information. The label required by .5(c)(3) of the Standard shall be separate and apart from any other label on the mattress and shall not have any other information, representation, or disclosure thereon.

(5) No person, other than the ultimate consumer, shall remove or mutilate, or cause or participate in the removal or mutilation of, any label required by this section to be affixed to any item.

(c) *Records—manufacturers, importers, or persons initially introducing items into commerce.*—(1) *General.*—Every manufacturer, importer, or other person initially introducing into commerce mattresses subject to the Standard, irrespective of whether guarantees are issued relative thereto, shall maintain written records as hereinafter specified. The records required must establish a line of

continuity through the process of manufacture of each mattress and from the specific finished item to the manufacturing records and shall show with respect to such items:

(i) Details, description, and identification of any sampling plan engaged in pursuant to the requirements of the Standard. Such records must be sufficient to demonstrate compliance with such sampling plan and must relate the sampling plan to the actual mattresses produced, marketed, or handled. This subdivision is not limited by other provisions of this paragraph.

(ii) Production units of all mattresses marketed or handled. The records must relate to an appropriate production unit identification on or affixed to the mattress itself in accordance with paragraph (b) (3) of this section, and the production unit identification must relate to the production unit.

(iii) Test results and details of all tests performed, both prototype and production, including cigarette locations and whether each cigarette location passed or failed, details of the sampling procedure employed, name and signature of person conducting tests, date of tests, and all other records necessary to demonstrate compliance with the test procedures and sampling plan specified by the Standard or authorized alternate sampling plan. These records shall include a certification by the person overseeing the testing as to the test results and that the test was carried out in accordance with the Standard.

(iv) Disposition of all failing or rejected mattresses. Such records must demonstrate that the items were retested and reworked in accordance with the Standard prior to sale or distribution and that such retested or reworked mattresses comply with the Standard, or must otherwise show the disposition of such items.

(v) Manufacturing specifications relating the same to prototype and production testing and to the production units to which applicable.

(vi) Test data or other information relied on as a basis for inclusion of different components as a single production unit where permitted by the Standard.

(vii) Photographic evidence of each test result in the form of a photograph (color or black and white) of the bare mattress surface before and after testing and of the sheeted mattress after testing.

(viii) Date and quantity of each sale or delivery of mattresses subject to the Standard and the name and address of the purchaser or recipient relating such sale to the production unit or other unit identification.

(ix) Details of any approved alternative laundering procedure used in laundering mattress pads required by the Standard to be laundered during testing.

(x) Identification, composition, and details of application of any flame retardant treatments employed relative to mattress pads or mattress pad components. All prototype and production records shall relate to such information.

(2) *Prototype testing.*—In addition to the records specified in paragraph (b) (1) of this section, records shall be maintained which shall show with respect to prototype testing required by the Standard:

(i) Mattress specifications and description.

(ii) Prototype identification number.

(iii) Test room conditions.

(3) *Production testing.*—In addition to the records required by paragraph (b) (1) of this section, records shall be maintained which shall show with respect to each production unit:

(i) Mattress specifications and description, prototype identification, production unit identification, size of production unit, calendar period of production unit, test date, and test results.

(ii) Random selection number of the tested mattress and information sufficient to show that tested mattresses were selected from the production unit at random from regular production.

(iii) Written data which will enable the Consumer Product Safety Commission to obtain and test mattresses under any applicable compliance market sampling plan.

(4) *Record retention requirements.*—The records required by this paragraph shall be retained for 3 years, except that records relating to prototype testing shall be maintained for so long as they are relied upon as demonstrating compliance with the prototype testing requirements of the standard and shall be retained for 3 years thereafter.

(d) *Records—persons not subject to paragraph (c) of this section.*—Any person not subject to paragraph (c) of this section who markets or handles mattresses subject to the Standard shall keep and retain for 3 years records to show the identity of items marketed or handled, the identity of the source of the items, the date of receipt and identity of purchasers (other than ultimate consumers), and the date of sale.

(e) *Records—exempted or labeled mattresses.*—(1) Any person marketing or handling mattresses which are entitled to exemption from the Standard as having been manufactured before the effective date of the Standard (June 7, 1973) shall maintain written records sufficient to establish that any such mattresses offered for sale after the effective date of the Standard are eligible for the exemption.

(2) Any person marketing or handling mattresses which are subject to the provisions of .5(c) (3) of the Standard, and which are labeled in accordance therewith, shall maintain written records to show that such mattresses were manufactured within 6 months after the effective date of the Standard and were labeled in accordance with the provisions of .5(c) (3) of the Standard.

(f) *Tests for guaranty purposes.*—Reasonable and representative tests for the purpose of issuing a guaranty under section 8 of the act for items subject to the Standard shall be those tests performed pursuant to any sampling plan or authorized alternative sampling plan engaged in pursuant to the requirements of the Standard.

(g) *Postponement of production testing.*—(1) Any person requesting a temporary suspension of production testing shall file five copies of an application in writing and under oath with the Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20016. Such application shall contain the following information:

(i) Statement that production testing facilities are unavailable and reason for unavailability.

(ii) Location of closest available testing facility.

(iii) Period of delay requested.

(iv) Detailed plans of applicant to implement production testing procedures.

(v) Certification that prototype mattress or mattresses to be produced comply with the Standard plus test reports, name and address of facility performing the tests, and specifications and identification of prototype mattress or mattresses.

(vi) Statement that records and facilities of the applicant are available to the Consumer Product Safety Commission upon request.

(2) Temporary suspension of production testing will not be granted for a period in excess of 6 months upon one application. Upon filing of the application, the requirements for production testing of mattress may be suspended by the Consumer Product Safety Commission for periods of 30 days while the petition is pending. During such 30-day periods the manufacturer shall submit to the Secretary weekly reports of mattress shipments as specified by the Commission.

(h) *Compliance with this section.*—No person subject to the Flammable Fabrics Act shall manufacture, import, distribute, or otherwise market or handle any mattress which is not in compliance with this § 302.20.

(Sec. 5, 67 Stat. 112, as amended 81 Stat. 570; 15 U.S.C. 1194.)

Dated June 6, 1973.

SAMUEL M. HART,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.73-11524 Filed 6-6-73;1:06 pm]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 74]

[Docket No. 19756; FCC 73-590]

TELEVISION BROADCAST BOOSTER STATIONS

Notice of Proposed Rulemaking

In the matter of amendment of part 74, subpart H, of the Commission's rules and regulations on television broadcast booster stations, Docket No. 19756.

1. As a result of our task force study on re-regulation of broadcasting, the Commission has under consideration the matter of deleting subpart H, concerning Television Broadcast Booster stations, part 74 of our rules and regulations.

2. Such stations are essentially co-channel amplifying transmitters by which the licensee of a UHF TV broadcast station may boost its signal where it is of low intensity within the station's theoretical grade A contour.[1] Power is limited to that which is necessary for an adequate signal over the area to be served by the booster, but, in no event, is to exceed an effective radiated power of 5 kW peak visual. A TV booster must be for direct reception by the public. It may not be used for a point-to-point relay system.

3. Rules implementing the service of television broadcast booster stations were promulgated by Report and Order in Docket No. 11331, adopted May 20, 1960. 20 Pike and Fischer R.R. 1505.

4. Since that time, only two such booster stations have been authorized (construction permits), i.e. to WINR–TV (now WICZ–TV), Binghamton, N.Y., on September 20, 1960 (BPTB–1); and to KLYD–TV (now KJTV), Bakersfield, Calif. on December 1, 1961 (BPTB–2). Neither was ever licensed. Each was cancelled at the request of the permittee after 2½ months.

[1] The radius of such grade A contour is specified as 68 mi on hypothetical assumptions of operation with an effective radiated power of 5,000 kW from an antenna 2,000 ft above average terrain and over a transmission path of normal terrain.

5. Lack of interest in or utilization of this service appears to have resulted from at least two practical considerations: First, inherent in the co-channel operation of TV boosters are technical difficulties of avoiding undesirable interference. Second, the use of TV translators has been a satisfactory and preferable alternative.

6. Our experience with the television broadcast booster service indicates that it has served no useful purpose, and in view of the attendant interference problems, we conclude that the rules should be reviewed for possible deletion. There have been no applications filed in this service for 12 years. There are no stations presently authorized under this subpart. None has ever been licensed. Moreover, because conventional translators are available, it appears unlikely that there will be any requests for television booster stations in the future.

7. Subpart G, television broadcast translator stations, part 74, provides for boosters of UHF translator stations. There are nine such UHF translator signal boosters currently licensed. This proceeding does not, of course, affect the subpart G booster operations.

8. Pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, it is proposed to amend part 74 by deleting the provisions of subpart H in their entirety and designating it as Reserved.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before July 16, 1973, and reply comments on or before July 26, 1973. All relevant and timely comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

10. In accordance with the provisions of § 1.415 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted May 31, 1973.

Released June 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73–11576 Filed 6–8–73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

FORM 637, REGISTRATION FOR TAX-FREE TRANSACTIONS

Notice of Revocation

As Commissioner of Internal Revenue I hereby declare null and void, as of the close of business on December 31, 1973, all forms 637, Registrations for Tax-Free Transactions, issued prior to January 23, 1970. This action is taken under the authorization provided for by section 4222 (c) of the Internal Revenue Code and applicable regulations section 148.1–3 (j)(2).

All persons affected by this revocation, who wish to engage in tax-free sales and purchases under chapter 32 of the Internal Revenue Code, must reregister by executing form 637 subsequent to the publication of this announcement and before January 1, 1974. Persons affected by this revocation must obtain from the District Director a numbered validated registration form in order to sell or purchase articles tax-free after December 31, 1973. The forms can be obtained from local Internal Revenue Service offices.

Dated June 1, 1973.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.73–11590 Filed 6–8–73;9 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE

Notice of Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on June 21, 1973, in the U.S. Mission to the North Atlantic Treaty Organization, Brussels, Belgium.

The agenda topics will be discussions on the highlights of the June Ministerial meetings of the Defense Planning Committee and the North Atlantic Council, problems of offsets as a condition of European purchases of U.S. arms, and the activities of the U.S. Defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 41.44.00 Ext. 5722, or write the Executive Secretary, Defense Industry Advisory Group, USNATO, Hq NATO, 1110 Brussels, Belgium.

MAURICE W. ROCHE,
Director, Correspondence & Directives Division, Office of the Assistant Secretary of Defense (Comptroller).

JUNE 6, 1973.

[FR Doc.73–11520 Filed 6–8–73;8:45 am]

ADVISORY GROUP ON ELECTRON DEVICES

Notice of Advisory Committee Meeting

The Department of Defense Advisory Group on Electron Devices (Working Groups on Microwave Devices and Special Devices) will meet in closed session at the National Bureau of Standards, Boulder, Colo., June 25–27, 1973.

The purpose of the DOD Advisory Group on Electron Devices is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices, e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Public Law 92–463, section 10d, the Director of Defense Research and Engineering has determined, on February 28, 1973, that the meetings of the advisory group are matters which fall within policies analogous to those recognized in section 552(b) of title 5 of the United States Code and that the public interest requires such activities to be withheld from disclosure insofar as the requirements of subsection (a)(1) and subsection (b) of section 10, Public Law 92–463 are concerned.

Dated June 7, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.73–11667 Filed 6–8–73;8:45 am]

INDUSTRY ADVISORY COMMITTEE ON MARITIME POLICY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Industry Advisory Committee on Maritime Policy will be held at 9:30 a.m., on June 13, 1973, in room 1E 801, Pentagon, Washington, D.C. 20301.

The industry Advisory Committee on Maritime Policy was established to serve as a nucleus for the exchange of views on military ocean transportation policies and programs and to provide an exchange of information between government and industry on current maritime problems of concern to the Department of Defense. The agenda will include the following:

Funding of the National Defense Reserve Fleet.
Cargo Preferences.
Military Ocean Rates.

This is an open meeting. Accommodations are limited. Additional information may be obtained from the Recorder, Industry Advisory Committee on Maritime Policy, Office of the Secretary of Defense, 202–697–1903.

Dated June 5, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division.

[FR Doc.73–11666 Filed 6–8–73;8:45 am]

ATOMIC ENERGY COMMISSION

U.S. NUCLEAR DATA COMMITTEE

Notice of Meeting

MAY 18, 1973.

In accordance with the Atomic Energy Act of 1954, as amended, primarily sections 161a, 31, 32, and 33, the U.S. Nuclear Data Committee will hold a meeting on June 18–20, 1973, in the South Conference Room, Building 6205, Oak Ridge National Laboratory, Oak Ridge, Tenn.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

MONDAY, JUNE 18, 1973

9:00 a.m.–10:30 a.m.—Administrative.

TUESDAY, JUNE 19, 1973

9:00 a.m.–12:30 p.m.—Review of U.S. capabilities for satisfying measurement requests.
1:30 p.m.–3:00 p.m.—Status reports.
3:00 p.m.–5:00 p.m.—Survey of ORNL activities.
5:00 p.m.–6:30 p.m.—Indexing, compilation, and evaluation.

WEDNESDAY, JUNE 20, 1973

9:00 a.m.–11:00 a.m.—Indexing, compilation, and evaluation (continued).
11:00 a.m.–12:30 p.m.—Meetings.
1:30 p.m.–3:00 p.m.—Special reviews and future plans.

In addition to the above agenda items, the Committee will hold sessions not open to the public on Monday, June 18, and at the close of the meeting on Wednesday, June 20, under the authority of section 10(d) of Public Law 92–463 (Federal Advisory Committee Act), to consider intraagency and personnel matters and the formulation of advice and recommendations.

Practical consideration may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items listed above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than June 14, 1973, to the Secretary USNDC (Dr. Harold E. Jackson), Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Ill. 60439. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman, between the hours of 11 a.m. and 2 p.m. on June 19 and 20, 1973.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on June 15, 1973, to the office of the Secretary of the Committee (telephone 312–739–3971) between 9 a.m. and 5 p.m. central time.

(e) Questions may be asked only by members of the Committee and its consultants.

(f) Seating for the public will be available on a first-come-first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after September 18, 1973, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C., upon payment of all charges required by law.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73–11712 Filed 6–8–73;11:15 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

TURNBULL NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88–557; 78 Stat. 890–896; 16 U.S.C. 1131–1136), that a public hearing will be held beginning at 9 a.m. on August 4, 1973, at Cheney City Hall, 609 2d Street, Cheney, Wash., on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Turnbull Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Turnbull National Wildlife Refuge, which is located in Spokane County, State of Washington.

A study summary containing a map and information on the Turnbull Wilderness proposal may be obtained from the Refuge Manager, Turnbull National Wildlife Refuge, Route 3, Box 107, Cheney, Wash. 99004, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Box 3737, Portland, Oreg. 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by September 4, 1973.

E. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JUNE 6, 1973.

[FR Doc.73–11529 Filed 6–8–73;8:45 am]

Office of the Secretary

[INT DES 73–34]

DIABLO EAST DEVELOPMENT SITE, AMISTAD RECREATION AREA, TEX.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Diablo East Development Site for Amistad Recreation Area located in Val Verde County, Tex. Written comments on the statement are invited and will be accepted on or before July 26, 1973, except where time extensions are granted upon request in accordance with Council of Environmental Quality Guidelines of April 23, 1971. Comments should be addressed to the Superintendent, Amistad Recreation Area (address given below).

The plan proposes development of a high density recreation site near the confluence of the Rio Grande and Devil's River, a location providing the best harbor in the vicinity with sufficient land above the flood level of the reservoir to allow uncluttered development. Facilities to be provided will include access and circulatory roads, car and boat trailer parking areas, boat launching ramp, temporary campground, water well, underground water and powerlines, three boat docks, boat sanitary dump station, toilets, and septic tank and evaporation pond.

Copies of this environmental statement are available from or for inspection at the following location.

Southwest Regional Office, National Park Service, Old Santa Fe Trail, P.O. Box 728, Santa Fe, N. Mex. 87501.
Amistad Recreation Area, P.O. Box 1463, Del Rio, Tex. 78840.

Dated June 5, 1973.

LAURENCE E. LYNN, Jr.,
Assistant Secretary of the Interior.

[FR Doc.73–11527 Filed 6–8–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

MINNKOTA POWER COOPERATIVE, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a draft environmental statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with certain administrative approvals by the Rural Electrification Administration prior to the construction of a 400 mW generating unit near Center, N. Dak., and associated 456 miles of ±250 kV d.c. transmission line. Approval of this project will benefit Minnkota Power Cooperative of Grand Forks, N. Dak.; Minnesota Power & Light Co. of Minneapolis, Minn., and Square Butte Electric Cooperative of Grand Forks, N. Dak.

Additional information may be secured on request, submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA draft environmental statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The draft environmental statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to the Assistant Administrator-Electric at the address given above. Comments must be received within 30 days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA actions with respect to this matter will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 5th day of June 1973.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.73-11589 Filed 6-8-73;8:45 am]

Soil Conservation Service

MOORHEAD BAYOU WATERSHED PROJECT, MISSISSIPPI

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for Moorhead Bayou Watershed Project, Sunflower County, Miss., USDA-SCS-ES-WS-(ADM)-73-25-(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. Planned works of improvement include conservation land treatment measures supplemented by channel modifications on about 40 miles of existing channel.

The final environmental statement was transmitted to CEQ on May 18, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, room 502, Milner Building, Lamar at Pearl Streets, Jackson, Miss. 39201.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please order by name and number of statement. The estimated cost is $4.25.

Moorhead Bayou Watershed Project, Miss., Notice of Availability of Final Environmental Statement.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

JUNE 2, 1973.

[FR Doc.73-11522 Filed 6-8-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC CONTROL TOWER AT ANNETTE ISLAND AIRPORT

Notice of Closing

Notice is hereby given that on or about June 2, 1973, the Air Traffic Control Tower at Annette Island Airport, Alaska, will be closed. Services to the general aviation public of southeastern Alaska will consist of flight services provided by the Air Traffic Flight Service Station located at Annette Island Airport, Alaska. This information will be reflected in the FAA organization statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

Issued in Anchorage, Alaska, on May 24, 1973.

QUENTIN S. TAYLOR,
Acting Director, Alaskan Region.

[FR Doc.73-11509 Filed 6-8-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[General Determination No. 1 (Revised)]

FOREIGN EXCESS PROPERTY

Proposal To Revise General Determination No. 1 (Revised)

Correction

In FR Doc. 73-11463 appearing at page 15086 in the issue of Friday, June 8, 1973, make the following changes:

1. The headings should read as set forth above.

2. In the third column on page 15086, the first paragraph (c) should be designated as paragraph (b).

3. In the first column on page 15087, the first complete paragraph should read as follows:

"It is proposed to issue General Determination No. 1 not less than 30 days subsequent to the publication of this notice in the FEDERAL REGISTER. General Determination No. 1 will be effective on publication in the FEDERAL REGISTER.

National Bureau of Standards

CASTERS, WHEELS, AND GLIDES FOR HOSPITAL EQUIPMENT

Notice of Intent To Withdraw Voluntary Product Standard

In accordance with § 10.12 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR part 10, as revised, 35 FR 8349 dated May 28, 1970), notice is hereby given of the Department's intent to withdraw Commercial Standard CS 223-59, "Casters, Wheels, and Glides for Hospital Equipment." It has been tentatively determined that the standard is no longer technically adequate and due to the existence of Federal specifications for these products, revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of CS 223-59 should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, by July 15, 1973. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action will terminate the authority to refer to the standard as a voluntary standard developed under the Department of Commerce procedures, from the effective date of the withdrawal.

Dated June 5, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-11531 Filed 6-8-73;8:45 am]

WATERPROOFNESS OF FABRIC

Notice of Circulation for Acceptance of Recommended Voluntary Product Standard

In accordance with the provisions of § 10.5 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR part 10, as amended; 35 FR 8349 dated May 28, 1970), the National Bureau of Standards is giving public notice and circulating for acceptance Recommended Voluntary Product Standard TS 212, "Waterproofness of Fabric." The purpose of this voluntary product standard is to establish a nationally recognized definition of "waterproofness" in terms of minimum hydrostatic resistance requirements so that producers, distributors, users, and consumers will have a common understanding of the meaning of this characteristic when it is used to describe a fabric.

Copies of TS 212 may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning the standard should be addressed to the Office of Engineering Standards Services on or before July 26, 1973.

Dated June 5, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-11530 Filed 6-8-73;8:45 am]

U.S. Travel Service

TRAVEL ADVISORY BOARD

Notice of Meeting and Agenda

The Travel Advisory Board of the U.S. Department of Commerce will meet June 19 at 9:30 a.m. in room 4830 of the Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Members advise the Secretary of Commerce and the Assistant Secretary of Commerce for Tourism on policies and programs designed to accomplish the purposes of the International Travel Act of 1961, as amended.

Agenda items are as follows:

(1) Opening remarks by Assistant Secretary of Commerce for Tourism, C. Langhorne Washburn. (2) Remarks by Secretary of Commerce, Frederick B. Dent. (3) USTS marketing programs. (4) Task force reports. (5) New USTS initiatives. (6) Adjournment.

Established in July 1968, the Travel Advisory Board consists of senior representatives of 15 U.S. travel industry segments, who are appointed by the Secretary of Commerce to serve a 2-year term. Represented industry segments include international airlines, domestic airlines, supplemental airlines, domestic surface

transportation, communications, travel agencies, rental car agencies, travel societies, accommodations, steamship lines, tour operators, sightseeing firms, States, cities, aircraft manufacturers.

Robert Jackson, Director of Information Services of the U.S. Travel Service, room 1525, U.S. Department of Commerce, Washington, D.C. 20230 (202–967–4987), will respond to public requests for information about the meeting.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

C. LANGHORNE WASHBURN,
Assistant Secretary for Tourism, U.S. Department of Commerce.

[FR Doc.73–11593 Filed 6–8–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, as it pertains to the functions of components assigned to the Assistant Bureau Director, Operations of the Social Security Administration's Bureau of Data Processing (BDP) (34 FR 7926, dated May 20, 1969, as amended by 36 FR 12998, dated July 10, 1971), is hereby further amended by adding the following statement of functions after the material devoted to the Division of Registration Operations (BDP):

8–B *Data Operations Center* (BDP). Processes source data through a computer controlled data entry and telecommunications system for input to the central computer complex of the Social Security Administration. Converts data from applications for social security numbers, employer's quarterly earnings reports, health insurance utilization records, and a variety of other source documents. Performs electronic editing, validating, and balancing functions. Transmits completed work products to the central computer complex for processing in a critically time controlled environment. Operates a large complex of data entry terminals, computers and communications equipment.

(Sec. 6, Reorganization Plan No. 1 of 1953.)

Dated June 4, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73–11518 Filed 6–8–73;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 8 (Social Security Administration) of the Statement of Organization and Functions and Delegations of Authority of the Department of Health, Education, and Welfare (33 FR 5830, dated April 16, 1968, as amended) is hereby further amended as follows:

8–B Office of Research and Statistics (ORS) is superseded by the following:

Office of Research and Statistics (ORS). Conducts and directs SSA's research and statistical programs. Conducts research relating to retirement age, methods of financing, redistributional efforts of social security and supplemental security payments, and adequacy of supplemental security, cash and health benefits. Studies and makes recommendations concerning problems of poverty, insecurity, and health costs, and the contributions that social insurance, suplemental security income, and related programs can make toward their solution. Conducts national surveys of the aged, the disabled, and families with children. Provides continuing evaluation of national policies and procedures for effectiveness in meeting program goals. Publishes statistical data and research findings. Represents SSA on matters of research and statistics with DHEW, other agencies, universities, research centers, and international organizations.

8–B *Division of Economic and Long-Range Studies* (ORS) is superseded by the following:

Division of Economic and Long-Range Studies (ORS). Plans and directs long-range program-oriented research, projecting and interpreting changing demographic, economic, and social trends as they relate to the broad field of economic security and to overall economic and social policy. Studies such major areas as: Social security financing; economic impacts of social security; income maintenance alternatives; effects of social security on lifetime income redistribution; the relationship of social security to other public and to private-income-maintenance programs; and the development and publication of aggregative measures such as the social welfare expenditures series, economic projections, and labor market studies.

8–B *Division of Supplemental Security Studies* (ORS) is added to the *Office of Research and Statistics* (ORS), as follows:

Division of Supplemental Security Studies (ORS). Plans and directs a continuing national economic and social survey program to collect data on and to study the impact of the supplemental security income program for the aged, blind, and disabled. Plans and directs studies regarding such significant program matters as: measures and variances of income adequacy; SSI workloads and cost projections; statistical analyses of program trends; and effects of the supplemental security income program and State supplementation payments on the lives of recipients. Obtains and presents program data for use in SSA, DHEW, other Federal agencies and interested groups in assessing the supplemental security income program.

(Sec. 6, Reorganization Plan No. 1 of 1953.)

Dated June 5, 1973.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.73–11519 Filed 6–8–73;8:45 am]

CITIZENS' ADVISORY COUNCIL ON THE STATUS OF WOMEN

NOTICE OF MEETING

Notice is hereby given of a meeting to be held by the Citizens' Advisory Council on the Status of Women established by Executive Order 11126 of November 1, 1963.

The meeting will begin on June 15 at 9 a.m. in room 3428 of the Department of Labor Building, 14th and Constitution Avenue NW., Washington, D.C. The meeting will reconvene at 9:30 a.m. on June 16.

During the course of the meeting the following subjects will be discussed in the following order: Women in the military services—present and future; revenue sharing regulations—sex discrimination provisions; developments in eliminating sex discrimination in education; discussion, recommendations, and future program.

Members of the public are invited to attend the proceedings.

Any written data, views, or arguments received by the Council's executive secretary concerning the subject to be considered on or before June 14, 1973, together with 25 duplicate copies will be provided to the members and will be included in the minutes of the meeting.

Interested persons wishing to address the Council at the meeting should submit a request to be heard to the executive secretary no later than June 12, 1973, stating the nature of their intended presentation and the amount of time they will need. At the commencement of the meeting the Chairman will announce the extent to which time will permit the granting of such requests.

Communications to the executive secretary should be addressed as follows:

Mrs. Catherine East, Executive Secretary, Citizens' Advisory Council on the Status of Women, room 1336, Department of Labor Building, Washington, D.C. 20210.

Signed at Washington, D.C., this 5th day of June 1973.

CATHERINE EAST,
Executive Secretary.

[FR Doc.73–11526 Filed 6–8–73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 23944]

SUPPLEMENTAL RENEWAL PROCEEDING

Notice of Reassignment of Administrative Law Judge

This proceeding, heretofore assigned to Administrative Law Judge James S. Keith (38 FR 12249, May 10, 1973), is hereby reassigned to Administrative Law Judge Robert M. Johnson. Future communications should be addressed to Judge Johnson.

Dated at Washington, D.C., June 6, 1973.

[SEAL] ROBERT L. PARK,
Associate Chief
Administrative Law Judge.

[FR Doc.73-11582 Filed 6-8-73;8:45 am]

TAA INVESTOR PANEL

Notice of Meeting

Notice is hereby given that a meeting with the above association will be held on June 15, 1973, at 10:30 a.m. (local time) in room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., to discuss the state of the industry and the objectives of the Board.

Dated at Washington, D.C., June 5, 1973.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-11581 Filed 6-8-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AIR POLLUTION PREVENTION AND CONTROL

Notice of Additions to the List of Categories of Stationary Sources

Section 111 of the Clean Air Act (42 U.S.C. 1857c-6) directs the Administrator of the Environmental Protection Agency to publish and from time to time revise a list of categories of stationary sources which he determines may contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare. Within 120 days after the inclusion of a category of stationary sources in such list, the Administrator is required to propose regulations establishing standards of performance for new and modified sources within such category. The original list of five source categories was published March 31, 1971 (36 FR 5931), and standards of performance were promulgated December 23, 1971 (36 FR 24876).

The Administrator, after evaluating available information, has determined that the following are additional categories of stationary sources which meet the above requirements: Asphalt concrete plants, petroleum refineries, storage vessels for petroleum liquids, secondary lead smelters, secondary brass and bronze ingot production plants, iron and steel plants, and sewage treatment plants. Evaluation of other stationary source categories is being conducted, and the list will be revised from time to time as the Administrator deems appropriate. Accordingly, notice is given that the Administrator, pursuant to section 111(b)(1)(A) of the act and after consultation with appropriate advisory committees, experts, and Federal departments and agencies in accordance with section 117(f) of the act, effective on June 11, 1973, amends the list of categories of stationary sources to read as follows:

LIST OF CATEGORIES OF STATIONARY SOURCES AND CORRESPONDING AFFECTED FACILITIES

* * *	* * *
Source category	*Affected facility*
6. Asphalt concrete plants.	Process equipment.
7. Petroleum refineries.	Fluid catalytic cracking unit catalyst regenerators.
	Process gas burners.
8. Storage vessels for petroleum liquids.	Entire facility.
9. Secondary lead smelters.	Furnaces.
10. Secondary brass and bronze ingot production plants.	Do.
11. Iron and steel plants.	Basic oxygen process furnaces.
12. Sewage treatment plants.	Sludge incinerators.

Proposed standards for performance applicable to the above source categories appear elsewhere in this issue of the FEDERAL REGISTER.

Dated June 1, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.73-11319 Filed 5-8-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

BISBEE BROADCASTERS, INC., AND WRYE ASSOCIATES

Applications for Construction Permits; Notice of Consolidated Hearing

In regard to applications of Bisbee Broadcasters, Inc., Bisbee, Ariz., docket No. 19754, file No. BPH-7873; requests: 92.1 MHz, No. 221A, 60 W (H. & V.); 1,950 ft; William F. Wrye & Rose D. Wrye, doing business as Wrye Associates, Bisbee, Ariz., docket No. 19755, file No. BPH-7944; requests: 92.1 MHz, No. 221A, 50 W (H. & V.); 2,199 ft for construction permits.

1. The Commission has under consideration the captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. Therefore, a comparative hearing must be held.

2. Based on cost figures contained in its application, it appears that Wrye Associates will need at least $14,310 to construct and operate its proposed station for 1 year.[1] To finance its proposal, the applicant relies on $9,664 in net liquid assets of Mr. and Mrs. Wrye and $5,000 in personal net income which would allegedly become available from Mr. Wrye's salary as an employee of the Federal Government during the first year of the proposed station's operation. Although the applicant has established the availability of the $9,664 in net liquid assets, it cannot rely on $5,000 being available from future earnings. Mr. Wrye asserts that he has spent at least $5,000 in each of the last 2 years for expenses connected with the FM proposal and is "capable and willing to expend a similar amount each and every year * * * until the station is operating on a self-sustaining basis." Such a promise by a principal of an application that he will have certain sums of money available in the future is insufficient to establish that such amounts will be available. Even if Mr. Wrye had adequately documented his statement that he has been able to utilize $5,000 for the past 2 years from his salary from the Federal Government, the mere fact that this may have been the case in the past does not demonstrate, for purposes of establishing his financial qualifications, that a like amount will be available in the future for anticipated uses. Accordingly, the applicant is at least $4,646 short of meeting its projected first-year expenses.

3. In addition, it appears that Wrye Associates has underestimated it first-year costs and has proposed a staff which is insufficient to effectuate its proposal. The applicant has allowed for the hiring of only two part-time employees. It indicates that salesmen may be hired on a commission basis only and that both Mr. and Mrs. Wrye plan to work full time without receiving any compensation. Mr. Wrye proposes to work 60 hours a week as general manager, an announcer and chief engineer for the FM facility, in addition to working a 40-hour week as a communications engineer for the U.S. Army. Mr. Wrye anticipates working between 5 and 6 o'clock in the morning at the station, and returning to the station to perform additional operating and announcing duties between the hours of 6 and 10 o'clock in the evening after working an 8-hour day for the U.S. Army. Two part-time announcer-operator employees will each work a 15-hour week, one employed during the hours of 8-11 a.m., daily and the other employed during the hours of 11 a.m.-2 p.m., daily. Mrs. Rose Wrye will perform announcer-operator duties during the hours of 6-8 a.m., and 2 p.m.-6 p.m. daily, after which she will be relieved by her husband. During the hours the part-time employees are on duty, Rose Wrye will supervise them, gather local news and solicit and prepare public service announcements and programs. When Mr. Wrye is performing his announcer-operator duties in the evening, Mrs. Wrye will undertake station bookkeeping and correspondence. On Saturdays and Sundays, Mr. and Mrs. Wrye propose to share the 17-hour "announcer and operator" schedule, as well as working at least 6 hours each, both days, on program planning and office duties. To say the least, Mr. and Mrs. Wrye have proposed an

[1] Wrye Associates' first-year expenses are itemized as follows: Equipment, $3,600; building, $500; miscellaneous, $1,350; and first-year operating costs, $8,860.

ambitious schedule for themselves. While they have obviously given a great deal of consideration to their staffing proposal, we believe a question arises as to whether such a proposal is realistic to effectuate the operation of the station. Not only does a question arise as to whether Mr. Wrye can realistically maintain a 100-hour-a-week work schedule, but the station's operating schedule and the proposed staff is not sufficiently flexible to allow for unforeseen circumstances such as illnesses. In addition to the staffing problems indicated, and the fact that Wrye Associates is at least $4,646 short of meeting its projected costs, the applicant does not appear to have allocated sufficient funds to cover its costs in the comparative hearing. Mr. Wrye's assertion that such expenses will be provided from his earnings as an employee with the U.S. Army is insufficient. Accordingly, appropriate financial and staffing issues will be specified.

4. Wrye Associates proposes independent programing, while Bisbee Broadcasters, Inc., proposes to duplicate the programing of its commonly owned AM station, KSUN, during 100 percent of its broadcast time. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry. Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

6. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the staff proposed by Wrye Associates is adequate to effectuate its proposal.

2. To determine, with respect to the application of Wrye Associates:

(a) Whether the applicant has accurately estimated the costs of staffing its proposed station;

(b) The applicant's estimated costs for the comparative hearing;

(c) The source(s) of funds, in addition to the $9,664 in net personal assets of its partners, to meet its first-year costs; and

(d) In light of the evidence adduced pursuant to the preceding issues, whether the applicant is financially qualified.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications for a construction permit should be granted.

7. *It is further ordered,* That whichever application is granted will be subject to the applicant's acceptance of any modification requiring use of a channel other than channel 221A as a result of whatever action may be required with respect to the outcome of petition for rulemaking, RM-2042.

8. *It is further ordered,* That the applicant shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

9. *It is further ordered,* That the applicant shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

By the Commission.

Adopted May 31, 1973.

Released June 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-11579 Filed 6-8-73;8:45 am]

[FCC 73-585; 97211]

STANDARD BROADCAST APPLICATIONS

Availability for Processing

JUNE 1, 1973.

The following applications seek the identical facilities of former station KOOD, Lakewood, Wash. The license of KOOD was canceled and the call letters were deleted by Commission action of September 13, 1972. A petition seeking reconsideration of this action was denied on May 31, 1973. Accordingly, we have waived the provisions of the note to § 1.571 of the Commission's rules to permit acceptance of the applications for filing. Similarly, we will accept any other applicatons for consolidation with the following applications which propose essentially the same facilities:

New, Lakewood, Wash., Clay Frank Huntington, req: 1480 kHz, 1 kW, day.
New, Lakewood, Wash., Dale A. Owens, req: 1480 kHz, 1 kW, day.

Pursuant to the provisions of §§ 1.227 (b)(1) and 1.591(b) of the Commission's rules, an application, in order to be consolidated with the above applications must be in direct conflict and tendered no later than July 16, 1973.

The attention of any party in interest desiring to file pleadings concerning these applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-11578 Filed 6-8-73;8:45 am]

[FCC 73-593]

WGOE, INC. AND CREST BROADCASTING CORP.

Applications for Renewal of License; Notice of Apparent Liability; Hearing

In regard to applications of WGOE, Inc., docket No. 19757, file No. BR-3631, for renewal of license of WGOE, Richmond, Va.; Crest Broadcasting Corp., docket No. 19758, file No. BR-2739, for renewal of license of WEYE, Sanford, N.C.

1. The Commission has before it for consideration (a) the captioned applications for renewal of license and (b) its inquiries into the operations of station WGOE, Richmond, Va.

2. Information before the Commission raises serious questions as to whether either applicant possesses the qualifications to be or to remain a licensee of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience, and necessity, and must, therefore, designate the applications for hearing.

3. Consent to the assignment of license of WGOE from Dixie Broadcasting Corp. to WGOE, Inc., was granted on March 23, 1972, and the assignment was consummated effective April 18, 1972. Dixie Broadcasting Corp. was owned principally by Stanley and Irvin Fox who also own the majority stock interest in Crest Broadcasting Corp., licensee of WEYE. Because an issue is specified infra concerning whether a transfer of control of station WGOE from assignor to assignee took place prior to the grant by the Commission of the assignment application, a question arises in determining which party, if any, was responsible for other apparent violations of law in the operation of WGOE. For this reason consideration of the captioned applications is consolidated in this proceeding.

4. *Accordingly it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(a) To determine whether the license for station WGOE or any rights thereunder were transferred, assigned, or disposed of, by transfer of control of the

[1] Action by the Commission May 31, 1973. Commissioners Burch (Chairman), Robert E. Lee, Johnson, H. Rex Lee, Reid, Wiley, and Hooks.

licensee corporation or otherwise, without a finding by the Commission that the public interest, convenience, and necessity would be served thereby, in violation of section 310(b) of the Communications Act of 1934, as amended;

(b) To determine, in light of the evidence adduced under issue (a) above, which of the captioned applicants, on the dates of various apparent violations, was in actual control of station WGOE, and as such responsible for any violations of law that may be determined in the captioned proceeding;

(c) To determine all the facts surrounding the "Right On" contest broadcast by station WGOE between March 1, 1971, and May 30, 1971, and in light of the facts adduced to determine whether such contest was conducted in a fraudulent manner or in such a manner as to deceive the listening public;

(d) To determine whether, in the light of the evidence adduced under issue (c) above, either applicant violated section 509(a)(4) of the Communications Act of 1934, as amended, by broadcasting or participating in the broadcasting of a radio program, knowing or having reasonable ground for believing that, in connection with a purportedly bona fide contest of chance, constituting a part of such program, one or more persons with intent to deceive the listening public had engaged in an artifice or scheme for the purpose of prearranging or predetermining in whole or in part the outcome of such contest of chance as proscribed by section 509(a)(3) of the act;

(e) To determine whether either or both of the applicants knowingly issued any documents containing false information concerning the amount actually charged for the broadcast of advertising on WGOE or the quantity of advertising broadcast for any advertiser, or failed to exercise reasonable diligence to see that its agents and employees did not issue any such documents, in violation of § 73.1205 of the Commission's rules and regulations;

(f) To determine whether WGOE, Inc., has violated the Commission's rules, as alleged in items 2, 3, 5, 6, 8, and 9 of the official notice of violation issued on June 27, 1972, and, if so, the nature and extent of those violations and, in light of the evidence adduced pursuant to that determination, whether WGOE, Inc., has exercised that degree of responsibility required of a licensee of a broadcast station; and

(g) To determine, in light of the evidence adduced under the preceding issues, whether either applicant possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the applications would serve the public interest, convenience, and necessity.

5. *It is further ordered,* That if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of license for station WGOE, it shall also be determined whether that applicant has repeatedly or willfully violated the following sections of the Commission's rules: 17.50, 73.52(a), 73.92(b), 73.65, 73.40(b)(3)(iv), 73.39(d)(2), and 73.1205[1] and, if so, whether an order of forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount should be issued for violations which occurred within 1 year of the issuance of the Bill of Particulars in this matter.

6. *It is further ordered,* That this document constitutes a notice of apparent liability as to WGOE, Inc., for forfeiture for violations of the Commission's rules set out in the preceding paragraph. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

7. *It is further ordered,* That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicants within 30 days of the release of this order, a Bill of Particulars with respect to issues (a) through (f), inclusive.

8. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (f) inclusive, and the applicants then proceed with their evidence and have the burden of establishing that they possess the requisite qualifications to be and to remain licensees of station WGOE, and station WEYE, and that a grant of their applications would serve the public interest, convenience, and necessity.

9. *It is further ordered,* That to avail themselves of the opportunity to be heard, each applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered,* That the applicants herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Communication's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

11. *It is further ordered,* That the Secretary of the Commission send a copy of this order by certified mail—return receipt requested to WGOE, Inc., licensee of WGOE, Richmond, Va., and Crest Broadcasting Corp., licensee of WEYE, Sanford, N.C.

Adopted May 31, 1973.

Released June 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-11580 Filed 6-8-73;8:45 am]

[1] See Bill of Particulars for specific dates and details of each alleged violation.

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY

Technical Advisory Committees; Designation of Members

JUNE 4, 1973.

The Federal Power Commission, by order issued September 28, 1972, established certain advisory committees.

2. *Membership.*—Additional members of the following advisory committees, as selected by the chairman of the Commission, with the approval of the Commission, are as follows:

TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Mr. C. R. Canady, member; manager, system operations, Southern California Edison Co.

Mr. Gordon W. Hoyt, member; utilities director, city of Anaheim, Calif.

TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

Dr. Betsy Ancker-Johnson, member; Assistant Secretary for Science and Technology, U.S. Department of Commerce.

Dr. Ancker-Johnson replaces Mr. Richard O. Simpson.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11570 Filed 6-8-73;8:45 am]

[Docket No. E-7775]

APPALACHIAN POWER CO.

Notice of Further Extension of Time

JUNE 1, 1973.

On May 30, 1973, the attorney for interveners, the Cities of Bedford, et al., filed a motion for an extension of the procedural dates fixed by notice issued April 25, 1973, in the above designated matter. The filing states that Appalachian Power Co. and staff counsel have agreed to the extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Prehearing conference, July 10, 1973.
Interveners' service date, July 12, 1973.
Company rebuttal date, August 2, 1973.
Hearing, August 14, 1973 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11546 Filed 6-8-73;8:45 am]

[Docket No. RP71-122]

ARKANSAS LOUISIANA GAS CO.

Notice of Petition of Arkansas Lightweight Aggregate Corp. for Declaratory Order or Extraordinary Relief

JUNE 1, 1973.

Take notice that on May 14, 1973, Arkansas Lightweight Aggregate Corp. (Arkansas Lightweight), filed its petition with the Commission seeking a declaratory order as to the proper interpretation of, or, in the alternative, extraordinary relief from the curtailment plan ordered by the Commission for Arkansas Louisiana Gas Co. (Arkla) in opinion Nos. 643 and 643-A issued in the above-captioned proceeding on January 8 and April 10, 1973, respectively.

Arkansas Lightweight alleges that the natural gas requirements for its England, Ark. aggregate manufacturing plant are approximately 1,500-2,200 M ft^3/d, while its maximum daily quantity as provided in its currently effective gas service agreement is 1,200 M ft^3/d. Arkansas Lightweight states that despite the disparity between its requirements and its contract maximum, Arkla has until recently served the total requirements of the England plant. However, by letter dated April 12, 1973, Arkla notified Arkansas Lightweight that it was exceeding its daily contract maximum and that Arkla could no longer deliver more than that amount. Arkansas Lightweight further alleges that if deliveries are reduced to 1,200 M ft^3/d it will be forced to reduce production at its England plant by 50 percent which will cause it to lay off several of its 29 employees.

Therefore, Arkansas Lightweight requests the Commission by way of declaratory order to direct Arkla to measure curtailments from actual requirements rather than from contractual entitlements. Arkansas Lightweight argues that this interpretation is consistent with the intent of opinion Nos. 643 and 643-A.

Alternatively, should the Commission determine not to issue the declaratory order sought, Arkansas Lightweight requests extraordinary relief in the form of authorization to receive its daily requirements for a period of 1 year. During this period Arkansas Lightweight will complete the installation of alternate fuel facilities thereby enabling it to operate within its contractual limitation without disruption.

Any person desiring to be heard or to protest Arkansas Lightweight's petition should file its answer to said petition with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.9 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.9 or 1.10). Any such answers should be filed on or before June 19, 1973. Any person wishing to file an answer, who is not already a party to the above-captioned proceeding, should file a petition to intervene. Copies of the instant petition are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11537 Filed 6-8-73;8:45 am]

[Docket No. CI73-795]

ARKLA EXPLORATION CO.

Notice of Application

JUNE 5, 1973.

Take notice that on May 11, 1973, Arkla Exploration Co. (Applicant), P.O. Box 1734, Shreveport, La. 71151, filed in Docket No. CI73-795, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Co. from the Mathers Ranch Field, Hemphill County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 42,390 M ft^3 of gas per month for 3 years at 35 cents per M ft^3 at 14.65 lb/in^2a, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to became a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11547 Filed 6-8-73;8:45 am]

[Project No. 2612]

CENTRAL MAINE POWER CO.

Notice of Application for License

MAY 31, 1973.

Public notice is hereby given that application for a license was filed July 11, 1966, supplemented January 3, 1972, and amended February 5, 1973, under the Federal Power Act (16 U.S.C. 791-825r), by the Central Maine Power Co. (Correspondence to: Mr. Elwin W. Thurlow, president, Central Maine Power Co., 9 Green Street, Augusta, Maine 04330; copies to: Le Boeuf, Lamb, and Leiby, 1 Chase Manhattan Plaza, New York, N.Y. 10005), applicant for Flagstaff Storage Project No. 2612 which is located on the Dead River and Little Spencer Stream in Franklin and Somerset Counties, Maine, near the city of Stratton, Maine.

Applicant seeks approval of the project as a storage reservoir only. The Flagstaff portion includes (1) a dam about 43 ft high and 1,340 ft long consisting of: (a) An impervious core earth dike which extends 694 ft to a concrete retaining wall; (b) a gate section about 195 ft long containing a fishway ladder, two sluice gates, a log sluice, and a tainter gate section which includes five gates; and (c) a concrete overflow section 450 ft long; (2) a reservoir having a surface area of 17,600 acres extending 27 mi upstream and having a useable storage capacity of 275,000 acre-feet at a drawdown of 35 ft below the normal water surface elevation 1,146 ft U.S.G.S.

The Spencer portion of the project includes: (1) A dam consisting of: (a) a rock-filled timber crib section 19 ft long; (b) a sluice gate section 23 ft long; (c) a spillway section 20 ft long; (d) a sluice gate section 15 ft long and 13 ft above the streambed; and (e) a rock-filled timber crib section 43 ft long including a spillway 26.3 ft long; (2) a reservoir having a surface area of 1,664 acres extending 6 mi upstream and having a usable storage capacity of 14,700 acre-feet at a drawdown of 8.5 ft below the normal water surface elevation 1,092.7 ft U.S.G.S.

According to the application as amended February 5, 1973, applicant proposes to exclude the Spencer portion of the project from the application for license. The applicant states that the condition of Spencer Dam has deteriorated to the extent that it requires extensive repairs at considerable expense. Applicant plans to permanently raise the sluice gates on Spencer Dam to allow passage of the natural flow of Little

Spencer Stream. Should it become necessary applicant is prepared to completely breach the dam rather than repair it.

The project would be used to regulate streamflow for use in generation of hydroelectric energy at downstream plants.

Any person desiring to be heard or to make protest with reference to said application should on or before July 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11548 Filed 6-8-73;8:45 am]

[Docket No. CP73-301]

CITIES SERVICE GAS CO.

Notice of Application

MAY 29, 1973.

Take notice that on May 8, 1973, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, Okla. 73125, filed in docket No. CP73-301 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of pipeline quality synthetic gas (SG) in a commingled stream in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it intends to buy from Cities Service S-G, Inc. (Cities S-G) on a cost-of-service basis 125,000 M ft³ of SG per day for 350 days per year to be delivered in Newton County, Mo., largely into Applicant's 16-inch pipeline and transported west to Applicant's Saginaw station where it will be commingled with natural gas. Small volumes of SG will be introduced into Applicant's Neosho line for service to customers on that line. Applicant indicates that Cities SG will construct a naphtha gasification plant near the city of Diamond in Newton County to supply the SG to Applicant. Applicant proposes no new facilities in this application.

Applicant seeks further authority to include, without suspension, the total cost of purchased SG in its purchased gas adjustment provisions in its FPC Gas Tariff.

Cities S-G has filed concurrently in docket No. CP73-304 a petition for disclaimer of jurisdiction or, in the alternative, an application for a certificate of public convenience and necessity authorizing the construction of the naphtha gasification plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11538 Filed 6-8-73;8:45 am]

[Docket No. CP73-301]

CITIES SERVICE GAS CO.

Notice of Application

MAY 29, 1973.

Take notice that on May 8, 1973, Cities Service Gas Co. (Applicant), P.O. Box 25128, Oklahoma City, Okla. 73125, filed in docket No. CP73-301 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of pipeline quality synthetic gas (SG) in a commingled stream in interstate commerce, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it intends to buy from Cities Service S-G, Inc. (Cities S-G) on a cost-of-service basis 125,000 M ft³ of SG per day for 350 days per year to be delivered in Newton County, Mo., largely into Applicant's 16-inch pipeline and transported west to Applicant's Saginaw station where it will be commingled with natural gas. Small volumes of SG will be introduced into Applicant's Neosho line for service to customers on that line. Applicant indicates that Cities S-G will construct a naphtha gasification plan near the city of Diamond in Newton County to supply the SG to Applicant. Applicant proposes no new facilities in this application.

Applicant seeks further authority to include, without suspension, the total cost of purchased SG in its purchased gas adjustment provisions in its FPC gas tariff.

Cities S-G has filed concurrently in docket No. CP73-304 a petition for disclaimer of jurisdiction or, in the alternative, an application for a certificate of public convenience and necessity authorizing the construction of the naphtha gasification plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11549 Filed 6-8-73;8:45 am]

[Dockets Nos. CP73-184, CI73-485]

COLORADO INTERSTATE GAS CO., ET AL.

Notice of Change in Date for Prehearing Conference

MAY 31, 1973.

On May 18, 1973, Colorado Interstate Gas Co. filed a motion to reset the date for the prehearing conference established by the order issued April 27, 1973, in the

above-designated matter. The motion states that no party had any objection to the motion.

Upon consideration, notice is hereby given that the date for the prehearing conference is changed to June 6, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission at 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11550 Filed 6-8-73;8:45 am]

[Docket No. E-7743]

CONNECTICUT LIGHT & POWER CO.

Notice Postponing Date of Hearing

JUNE 4, 1973.

On May 31, 1973, Commission Staff Counsel filed a motion for an extension of the hearing date fixed by notice issued April 19, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to June 19, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission at 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11551 Filed 6-8-73;8:45 am]

[Docket No. RP72-102]

COUNTY OF RUTHERFORD, TENN., ET AL.

Order Approving Settlement Agreement

MAY 31, 1973.

On March 5, 1973, the parties involved[1] submitted to the Commission for approval a stipulation and agreement which would terminate the complaint proceedings in docket No. RP72-102. The complaint charged that TGP was unilaterally reducing the amount of gas sold to Rutherford and Smyrna from a maximum daily quantity of 3,672 M ft³ to a maximum daily quantity of 820 M ft³. The settlement provides for the sale to Smyrna by Tetco of 1,600 M ft³ of natural gas per day and for the sale to Smyrna by TGP of the existing natural gas transmission facility consisting of 8,000 ft of 4½-in-o.d. pipe.

Public notice of the filing of the stipulation and agreement was given on March 12, 1973, with March 27, 1973, designated the day on which protests or petitions to intervene were to be filed. None were received.

On June 21, 1955, Tetco was authorized by this Commission to sell 3,102 M ft³ per day of gas to TGP for resale to the Sewart Air Force Base in Tennessee. Such service was begun by a service agreement of August 22, 1955, and the volumes were increased by subsequent service agreements of October 14, 1963, and September 5, 1969 to 3,672 M ft³ per day.

On February 9, 1965, Sewart Air Force Base was annexed by Smyrna. In 1970, the Air Force Base was deactivated and on July 29, 1970, the Secretary of the Air Force granted to Rutherford a license to operate all the utilities in the Sewart Air Force Base area. Under its license, Rutherford is free to assign its right to operate the facilities and by an assignment dated September 1, 1970, all of its rights and obligations under the gas service contract between the county and TGP were assigned to Smyrna. Since September 1, 1970, Smyrna has been operating the gas distribution facilities in the Sewart Air Force Base area.

The contract under which TGP had been supplying gas to the Air Force and then to Smyrna terminated on July 27, 1971. Since that time, TGP has supplied gas to the air base area on a month-to-month basis.

On October 21, 1970, Tetco renegotiated five separate contracts that it held with TGP and its parent company, United, and with approval of the Commission, consolidated them into one contract with United. Included in this consolidation was the contract to supply gas to the Sewart Air Force Base area. No terms affecting the delivery and sale of the gas to Smyrna were altered by the consolidation.

After deactivation of Sewart Air Force Base, natural gas consumption in the area fell off sharply. On September 21, 1971, United sent to Rutherford a proposal for a new contract for a maximum demand of 820 M ft³ per day, an amount slightly in excess of that which United felt was required.

Rutherford and Smyrna objected to this new contract fearing that the diminished supply of natural gas would cripple an effort to develop further the base area. On January 26, 1972, Rutherford and Smyrna filed a complaint with the Commission in the instant docket.

On March 5, 1973, the parties filed with the Commission a stipulation and agreement and a joint motion for its approval. The stipulation and agreement provided that:

(1) United will reduce its purchase of natural gas from Tetco by 1,600 M ft³, thereby reducing its maximum contract daily quantity purchased from Tetco to 12,364 M ft³. Said 1,600 M ft³ of maximum daily quantity will be delivered and sold by Tetco to Smyrna at Tetco's measuring station in Rutherford. (2) Smyrna will purchase from TGP the existing natural gas transmission facility consisting of 8,000 ft of 4½-in-o.d. pipeline extending from Tetco's measuring station No. 315 to the city gate of the Sewart Air Force Base area in Smyrna. Smyrna will pay $30,000 for this facility.

The 1,600 M ft³ per day to be supplied directly to Smyrna by Tetco will be utilized by customers presently served by Smyrna within the base area which has been annexed by the town. Any new customers who will need natural gas service in excess of the 1,600 M ft³ per day will be served out of a peak shaving plant planned by Smyrna for use prior to the 1973-74 heating season.

The gas to be purchased by Smyrna will be used principally for water and space heating with the exception of firm deliveries of 12.5 M ft³ per day to be used in a restaurant and 95 M ft³ per day for process and space heating by a small industry.

The Commission finds

The settlement agreement contained in the stipulation and agreement filed on March 5, 1973, is in the public interest; and it is appropriate that it be approved and made effective as hereinafter ordered.

The Commission orders

(A) The stipulation and agreement filed with the Commission on March 5, 1973, is approved and made effective subject to this order; and Tetco, United, and TGP shall fully comply with each of the provisions of said stipulation and agreement and of this order.

(B) Tetco shall file, within 30 days from the date of this order, an application under section 7 of the Natural Gas Act to effectuate the changes to its tariff and service agreements required by the stipulation and agreement herein approved.

(C) This order is without prejudice to any findings or orders which have been made or may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Tetco, TGP, United, or any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Tetco, TGP, United, or any other person or party.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11552 Filed 6-8-73;8:45 am]

[Project No. 2503]

DUKE POWER CO.

Notice of Application for Approval of "As Built" Exhibit K

MAY 31, 1973.

Public notice is hereby given that application for approval of revised exhibit K was filed on June 30, 1970, under the Federal Power Act (16 U.S.C. 791a-825r) by Duke Power Co. (Correspondence to: Mr. W. B. McGuire, President, Duke Power Co., 422 South Church Street, Charlotte, N.C. 28201), licensee for Keowee-Toxaway project No. 2503 located on the Keowee, Little, Whitewater, Toxaway, Thompson, and Horsepasture Rivers in Oconee and Pickens Counties, S.C., and Transylvania County, N.C.

The filing of the revised exhibit K is made in accordance with article 37 of the license for project No. 2503 and purports to depict a proposed boundary for

[1] The County of Rutherford (Rutherford) and Town of Smyrna (Smyrna) as complainants and Texas Eastern Transmission Corp. (Tetco), United Cities Gas Co. (United), and its wholly owned subsidiary, Tennessee Gas Pipe Line Co. (TGP) as respondents. Tetco supplies natural gas to the complainants and other respondents.

the project and designates those areas which are within a 1-mile radius of the Oconee nuclear station as a nuclear exclusion area pursuant to the regulations of the Atomic Energy Commission (10 CFR, pts. 20 and 100). The revised exhibit also shows land rights acquired in fee title or necessary flowage rights, privileges, and easements in perpetuity required for project operations and recreation sites 1 through 8 shown by the proposed recreational use plan approved by the original license order.

Any person desiring to be heard or to make protest with reference to said application should on or before July 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11553 Filed 6-8-73;8:45 am]

[Docket No. RP73-104]

EL PASO NATURAL GAS CO.

Order Accepting and Suspending Revised Tariff Sheets and Providing for Hearing

JUNE 1, 1973.

On May 2, 1973, El Paso Natural Gas Co. (El Paso), tendered for filing the following revised tariff sheets:

ORIGINAL VOLUME NO. 1

Eleventh Revised Sheet No. 3-B.
Second Revised Sheet No. 27-D.
Original Sheet No. 27-D.1.

ORIGINAL VOLUME NO. 2A

Fifth Revised Sheet No. 285-A.
Eighth Revised Sheet No. 303-A.
Eighth Revised Sheet No. 321-A.
Eighth Revised Sheet No. 334-A.
Fifth Revised Sheet No. 346-A.
Fifth Revised Sheet No. 365-A.
Eighteenth Revised Sheet No. 416-A.
Eighteenth Revised Sheet No. 429-A.
Sixth Revised Sheet No. 556-A.

Such change in rates is proposed to become effective June 2, 1973.

El Paso claims that its southern division system jurisdictional revenues, based on a test period consisting of 12 months of actual experience ended January 31, 1973, as adjusted, are deficient by $39,966,979 annually. According to El Paso, the principal reasons for the proposed rate increase are declining gas supply and increased costs of capital, labor, materials, supplies, and taxes. El Paso also claims an overall rate of return of 9.15 percent. In addition, El Paso is seeking to change the composite depreciation rates for southern division system facilities from 3.05 percent for transmission plant and 3.92 percent for production plant to a single rate of 4.3 percent. El Paso also proposes to include a demand charge adjustment in its rate schedule G in view of the declining gas supply available to its southern division customers.

The proposed rate increase was notice on May 9, 1973, with petitions to intervene and protests due on or before May 25, 1973.

Our review of the subject rate filing indicates that the proposed rates have not been shown to be just and reasonable and may be excessive, unduly discriminatory, or otherwise unjust and unreasonable. The proposed increase raises issues which may require development through a public hearing.

The Commission finds

(1) El Paso's above listed revised tariff sheets should be accepted for filing as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in El Paso's FPC gas tariff, proposed to be amended in this docket, and that these tendered tariff sheets be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

The Commission orders

(A) El Paso's above-mentioned tariff sheets are accepted for filing and suspended for the full statutory period of 5 months, until November 2, 1973, or until such time as they are made effective in the manner provided by the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof; the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, ch. I), a public hearing shall be held, commencing with a prehearing conference on October 16, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in El Paso's above-mentioned revised tariff sheets.

(C) At the prehearing conference on October 16, 1973, El Paso's prepared testimony (statement P) together with its entire rate filing shall be submitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference prepared to effectuate the intent and purpose of §§ 1.18 and 2.59 of the Commission's rules of practice and procedure.

(D) On or before October 5, 1973, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before October 26, 1973. Any rebuttal evidence by El Paso shall be served on or before November 2, 1973. The public hearing herein ordered shall convene on November 13, 1973, at 10 a.m., e.s.t.

(E) A presiding examiner to be designated by the chief examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) The secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11542 Filed 6-8-73;8:45 am]

[Dockets Nos. RP66-4, RP68-1, CP68-179, CP73-149]

FLORIDA GAS TRANSMISSION CO. AND CENTRAL FLORIDA GAS CORP.

Notice of Motion for Approval of Settlement Agreement

JUNE 1, 1973.

Take notice that on May 18, 1973, Florida Gas Transmission Co. (Florida Gas) filed a motion for approval of settlement in the above-entitled proceedings, together with a proposed settlement agreement and certain implementing tariff sheets attached thereto as appendix A which Florida Gas proposes to file to be effective as of the date of a Commission order approving the settlement agreement.

The settlement agreement is a result of discussions among Florida Gas, the Commission's staff, and interested parties in those proceedings. It resolves all issues therein except the allocation of gas volumes for service to the city of Pompano Beach, Fla.

The settlement agreement and accompanying tariff sheets provide, among other things, for: (1) Establishment of volume entitlements, including peak day and annual contract quantities, under rate schedule G for distributing companies for resale to firm residential, commercial, and industrial customers, such volume entitlements providing for load growth up to the level of projected 1975 requirements; (2) the establishment of annual volume entitlements for resale to interruptible commercial and industrial customers under rate schedule

I at the level of 1972 service to such customers with adjustments where necessary; (3) restriction upon attaching new, large volume users by the prohibition under rate schedule G against connecting any new industrial consumer taking in excess of 500,000 therms per year and by the daily and annual limitations on rate schedules G and I quantities; (4) pursuant to opinion No. 611, volume limitations upon and updating of the entitlements of Florida Gas' direct industrial customers; (5) changes in the volumetric entitlements of certain Florida Gas customers under rate schedules G and I; (6) elimination in rate schedule I of the prohibition against attachment of new customers by distributors; (7) provision in rate schedules G and I for a 12-month period commencing on October 1 and continuing to the next succeeding September 30 for purposes of determining and applying the annual contract quantities and annual volumetric entitlements; (8) an adjustment provision for rate schedule G unauthorized overrun volumes occurring during a colder than normal winter subject to notice by Florida Gas to all customers prior to any actual adjustment; and (9) agreement to a Commission order directing Florida Gas to establish two new delivery points for service to Central Florida Gas Corp. pursuant to its application under section 7(a) of the Natural Gas Act in docket No. CP73-149.

Copies of the settlement agreement were served upon all parties to the above-captioned proceedings, all of Florida Gas' customers, and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said filing of settlement agreement should, on or before June 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.18 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11539 Filed 6-8-73;8:45 am]

[Project No. 2651]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Application for Major License

MAY 31, 1973.

Public notice is hereby given that an application for a major license was filed July 11, 1967 and supplemented July 24, 1968, September 28, 1970, March 15, 1972 and June 22, 1972 under the Federal Power Act (16 U.S.C. 791a-825r) by the Indiana & Michigan Electric Co. (correspondence to: H. B. Cohn, vice president, Indiana & Michigan Electric Co., P.O. Box 18, Bowling Green Station, New York, N.Y. 10004) for Elkhart Project No. 2651 which is located on the St. Joseph River in the city of Elkhart, Elkhart County, Ind., and near the cities of South Bend and Mishawaka, St. Joseph County, Ind.

The constructed project has an installed capacity of 3,440 kW and consists of: (1) a concrete gravity dam, about 309 feet in length and 18 feet high, topped by 11 tainter gates, each 25 feet by 10.5 feet, with a fish ladder located at the north end of the dam; (2) a reservoir approximately 7.5 miles long having a normal headwater elevation of 742.24 feet (USGS) and a surface area of about 661 acres; (3) a powerhouse at the south end of the dam containing three generating units (one unit rated at 1,440 kW and two units at 1,000 kW each) with a total installed capacity of 3,440 kW; and (4) all other facilities and interests appurtenant to the operation of the project.

Present recreational use of the Elkhart project consists of boating, fishing, water skiing, and some swimming, primarily limited to owners of adjacent land since Applicant owns only flowage rights along most of the periphery of the reservoir. Applicant has conveyed land to Elkhart County for the planned development of a public boat landing facility and fishing site.

The power developed by the project is used for public utility purposes.

Any person desiring to be heard or to make protest with reference to said application should on or before July 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Comission's rules.

The application is on file with the Comission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11554 Filed 6-8-73;8:45 am]

[Docket No. RP73-97]

KENTUCKY WEST VIRGINIA GAS CO.

Order Accepting for Filing and Suspending Proposed Revised Tariff Sheets, Providing for Hearing and Approving PGA Clause With Condition

MAY 31, 1973.

On April 16, 1973, as completed on May 16, 1973, Kentucky West Virginia Gas Co. (Kentucky), tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1[1] which would increase annual revenues by $5,265,717 based on the 12-month period ended December 31, 1972, on its sales to Kentucky's two jurisdictional customers, Equitable Gas Co. (Equitable), and Columbia Gas Transmission Corp. (Columbia). Kentucky states that the proposed increased rates are due to a proposed increase in rate of return to 15 percent, increased costs, a price above the area rate set in order No. 411 for its own production on leases acquired after October 7, 1969, a $1 million advance payment to Philadelphia Oil Co., for gas exploration in Virginia. Kentucky also filed a Purchased Gas Adjustment (PGA) Clause[2] pursuant to § 154.38 of the Commission's regulations under the Natural Gas Act. Kentucky states further that it is proposing to eliminate its present two-part rate and substitute therefor a one-part commodity rate. Kentucky proposes an effective date of May 31, 1973, for its filing. Copies of the filing were served on Equitable, Columbia, the West Virginia Public Service Commission, and the Pennsylvania Public Utility Commission.

Kentucky's filing was noticed on April 25, 1973, with all comments due on or before May 10, 1973. On May 10, 1973, Columbia filed a petition to intervene.

Our review of Kentucky's proposed PGA clause indicates that it conforms to § 154.38 of the Commission's regulations under the Natural Gas Act but that it contains a base rate predicated on Kentucky's own production from leases acquired after October 7, 1969 ("new" leases) being priced higher than the applicable area rate as prescribed in opinion No. 568 and order No. 411. Kentucky claims that it has shown the "special circumstances" necessary under order No. 568 to price its production from "new" leases at a price higher than the applicable area rate prescribed in order No. 411. We find that it would be improper to include in the cost of gas a price greater than the area rate for Kentucky's production from "new" leases. Therefore, we shall accept for filing and approve Kentucky's PGA clause for filing effective May 31, 1973, subject to Kentucky filing on or before June 15, 1973, revised tariff sheets with a base rate which is predicated upon Kentucky pricing its production from "new" leases at the area rate prescribed in order No. 411.

Review of the remainder of Kentucky's rate filing indicates that it raises certain issues which may require development in an evidentiary proceeding. The proposed increases in rates and charges

[1] Thirteenth Revised Sheet No. 4 and Fourth Revised Sheet No. 5. Kentucky also filed Third Revised Sheet No. 2 entitled "Preliminary Statement" and Fifth Revised Sheet No. 19 entitled "Index of Purchasers", both of which reflect a change in name.

[2] Third Revised Sheet No. 12-A, Original Sheet Nos. 12-B, 12-C, 12-D and 12-E.

have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that:

(a) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Kentucky's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Thirteenth Revised Sheet No. 4 and Fourth Revised Sheet No. 5.

(b) Third Revised Sheet No. 2 and Fifth Revised Sheet No. 19 be accepted for filing effective May 31, 1973.

(c) The revised tariff sheets which would incorporate a PGA clause into Kentucky's FPC Gas Tariff be accepted for filing effective May 31, 1973, as hereinafter conditioned.

(2) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(3) Participation of Columbia in this proceeding may be in the public interest.

The Commission orders

(A) Kentucky's Third Revised Sheet No. 2 and Fifth Revised Sheet No. 19 which incorporate a change in name are accepted for filing to become effective May 31, 1973.

(B) Kentucky's proposed revised tariff sheets listed in footnote 2 which would incorporate a PGA clause into Kentucky's FPC Gas Tariff are accepted for filing to become effective May 31, 1973, upon condition that on or before June 15, 1973, Kentucky file revised tariff sheets containing a base rate predicated on Kentucky pricing its own production on post-October 7, 1969, leases at the area rate prescribed in order No. 411.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the "Regulations Under the Natural Gas Act" (18 CFR, ch. I), a public hearing shall be held, commencing with a prehearing conference on July 31, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services, contained in Kentucky's FPC Gas Tariff, as proposed to be amended herein by Thirteenth Revised Sheet No. 4 and Fourth Revised Sheet No. 5.

(D) At the prehearing conference on July 31, 1973, Kentucky's prepared testimony (statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding.

(E) On or before July 24, 1973, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before August 7, 1973. Any rebuttal evidence by Kentucky shall be served on or before August 21, 1973. The public hearing herein ordered shall convene on September 4, 1973, at 10 a.m., e.d.t.

(F) A presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(G) Pending hearing and a decision thereon, Thirteenth Revised Sheet No. 4 and Fourth Revised Sheet No. 5 are accepted for filing, suspended and the use thereof deferred until October 31, 1973, and until such further time as they are made effective in the manner provided in the Natural Gas Act.

(H) Columbia is hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene and: *Provided, further,* That the admission of such intervenor shall not be construed as recognition that Columbia might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(I) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure, Kentucky shall promptly serve a copy of its filing upon Columbia, unless such service has already been effected pursuant to part 154 of the regulations under the Natural Gas Act.

(J) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11555 Filed 6-8-73;8:45 am]

[Docket No. RP73-103]

McCULLOCH INTERSTATE GAS CORP.

Order Accepting and Suspending Proposed Tariff Sheets and Providing for Hearing

MAY 31, 1973.

On April 30, 1973, McCulloch Interstate Gas Corp. (McCulloch), tendered for filing third revised sheet No. 11 to its FPC Gas Tariff, original volume No. 1. McCulloch proposes to increase its presently effective rate schedule PL-1 rates by 9.56 c/M ft³ (14.65 lb/in²a) to provide an annual estimated revenue increase of $1,340,862. The test year utilized by McCulloch consists of an estimated test year 1973 consisting of adjustments to actual calendar year 1972 data. McCulloch states that this proposed change in rates is to cover increases in the cost of transporting gas through its facilities to Colorado Interstate Gas Co. and to insure a reasonable rate of return. The company maintains that its total revenue for 1972 was $6,071,537.

In its proposal, McCulloch claims an overall rate of return of 9.53 percent. In addition, McCulloch requests an increase in its rate of depreciation from 5.75 percent to 8.33 percent.

McCulloch requests waiver of the monthly detail reporting requirement supporting schedules A through M of our regulations. Alternatively, if that waiver is not granted, McCulloch requests an extension through June 1, 1973, to furnish the monthly detail supporting those schedules and appropriate certificates where such detail and certificates are applicable.

The proposed effective date of the new rates is June 1, 1973.

The proposal was noticed on May 8, 1973, with petitions to intervene and protests due on or before May 23, 1973.

Our review of the subject rate filing indicates that the proposed rates have not been shown to be just and reasonable and may be excessive, unduly discriminatory, or otherwise unjust and unreasonable. The proposed filing raises issues which may require development through a public hearing.

The Commission finds

(1) McCulloch's tariff sheets should be accepted for filing as hereinafter ordered.

(2) McCulloch's request for waiver of the monthly detail requirement should be denied.

(3) McCulloch's request for an extension through June 1, 1973, to furnish the monthly detail supporting schedules A through M should be granted.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in third revised sheet No. 11 to its FPC Gas Tariff, original volume No. 1, and that the tendered tariff sheets be suspended as hereinafter provided.

(5) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(6) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

The Commission orders

(A) McCulloch's tariff sheets are accepted for filing and are suspended for

a full 5 months, until November 1, 1973, or until such time as they are made effective in the manner provided by the Natural Gas Act.

(B) McCulloch's request for waiver of the monthly detail filing requirement is denied.

(C) McCulloch's request for an extension through June 1, 1973, to furnish the monthly detail supporting schedules A through M is granted.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, ch. I), a public hearing shall be held, commencing with a prehearing conference on August 14, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in McCulloch's third revised sheet No. 11 to its FPC Gas Tariff, original volume No. 1.

(E) At the prehearing conference on August 14, 1972, McCulloch's prepared testimony (statement P) together with its entire rate filing shall be submitted to the record as its complete case-in-chief, subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference prepared to effectuate the intent and purpose of §§ 1.18 and 2.59 of the Commission's rules of practice and procedure. On June 1, 1973, or before McCulloch shall file the monthly detail reporting requirements supporting schedules A through M.

(F) On or before August 3, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before August 24, 1973. Any rebuttal evidence by McCulloch shall be served on or before August 31, 1973, at 10 a.m., e.d.t. The public hearing herein ordered shall convene on September 11, 1973, at 10 a.m., e.d.t.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(H) The secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11558 Filed 6-8-73;8:45 am]

[Docket No. RP73-102]

MICHIGAN-WISCONSIN PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed Increase and Providing for Hearing

MAY 30, 1973.

On April 30, 1973, Michigan-Wisconsin Pipe Line Co. (Mich-Wis) tendered for filing proposed changes in its FPC gas tariff, second revised volume No. 1[1] and first revised volume No. 2.[2] The proposed increase in jurisdictional revenues is $37.7 million based on sales for the 12 months ended January 31, 1973, as adjusted.

Mich-Wis states that the principal reasons for its proposed increase are an increase in cost of capital which results in a requirement of a 9.25-percent rate of return, an increase in depreciation rates, increased cost related to gas supply, costs related in Federal safety standards, and increases in cost of labor, supplies, and other operational expenses. Mich-Wis also states that its proposed rates reflect unmodified Seaboard rate design. The proposed effective date is June 1, 1973.

Notice of the proposed filing was issued on May 16, 1973, with petitions to intervene and protest due on or before May 24, 1973. Petitions to intervene have been filed by: Iowa Southern Utilities Co. on May 14, 1973; Michigan Gas Utilities Co. on May 21, 1973; and North Central Public Service Co. on May 23, 1973. No substantive allegations were made in these petitions.

Mich-Wis requests waiver of § 154.63 (e) (2) (ii) of our regulations to permit the inclusion in cost of service costs applicable to facilities requested in dockets Nos. CP73-114, CP72-26, CP72-184, and CP73-282 for which a certificate has not been issued. In support of its request Mich-Wis maintains that inclusion of those costs is required to enable it to increase annual sales and storage services. We will grant the requested waiver with the condition that if the new facilities have not been certified and placed in service, Mich-Wis will file substitute rates reflecting only those facilities certified and in service.

Our review of the filing indicates that it raises issues that may require development at an evidentiary hearing. The proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

The Commission finds

(1) The proposed tariff sheets should be suspended and the use thereof deferred for 5 months until November 1, 1973.

(2) The requested waiver of § 154.63 (e) (2) (ii) of the regulations should be granted.

(3) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Mich-Wis FPC gas tariff, as proposed to be amended in this docket.

(4) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(5) Good cause exists to permit the above-named petitioners for intervention to intervene.

The Commission orders

(A) The tariff sheets filed by Mich-Wis on April 30, 1973, are accepted for filing and suspended as hereinafter ordered.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, chapter I), a public hearing shall be held commencing with a prehearing conference on September 25, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, concerning the lawfulness and reasonableness of the rates and charges contained in Mich-Wis FPC gas tariff, as proposed to be amended herein.

(C) At the prehearing conference on September 25, 1973, Mich-Wis prepared testimony (statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any by parties to the proceeding. All parties will be expected to come to the conference.

(D) On or before September 15, 1973, the Commission staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before October 5, 1973. Any rebuttal evidence by Mich-Wis shall be served on or before October 19, 1973. The public hearing herein ordered shall convene on November 2, 1973, at 10 a.m., e.s.t.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Pending hearing and a decision thereon the Mich-Wis tariff sheet as proposed to be amended herein are suspended until November 1, 1973, or until such time they are made effective in the manner provided in the Natural Gas Act; *Provided*, That if certification in dockets Nos. CP73-114, CP72-26, CP72-184, and

[1] Fifth revised sheet No. 27F.

[2] Fifth revised sheet Nos. 92, 110, 129, and 130. Fourth revised sheet Nos. 141, 142, and 171. Second revised sheet Nos. 214 and 215. First revised sheet Nos. 231, 232, 297, and 316.

CP73-282 has not been granted by November 1, 1973, Mich-Wis must file appropriate substitute rates to reflect only facilities in the aforementioned dockets which have been certified and in service on or before November 1, 1973.

(G) The petitions to intervene noted in this order are hereby accepted and the petitioners shall be made parties to the forgoing proceeding; *Provided, however,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding.

(H) Waiver of § 154.63(e)(2)(ii) of our regulations is hereby granted.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11556 Filed 6-8-73;8:45 am]

[Docket Nos. RP71-16, RP71-56, RP72-3, RP72-52]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Filing of Amended Settlement Agreement

JUNE 1, 1973.

Take notice that on May 24, 1973, Midwestern Gas Transmission Co. (Midwestern) placed on the record an amended settlement agreement as to Northern and Southern Systems (May 24, 1973), and supporting testimony and exhibits for certification to the Commission by the presiding administrative law judge. The agreement states that it supersedes the earlier settlement agreements filed in this proceeding. The agreement further states that it reflects an agreement supported by Midwestern, the Commission's staff and other parties resulting from conferences in March and April 1973.

The agreement, among other things, as more fully set forth therein, provides for (1) a reduction in rates below those now in effect subject to refund; (2) refunds for the period beginning April 15, 1971, to the effective date of the reduced settlement rates; (3) the flow through of certain gas supplier refunds to Southern System customers; (4) an increase in book depreciation and amortization rates; and (5) the reservation for hearing and decision of the issue as to the inclusion in Midwestern's rates of certain amounts related to the increased book depreciation and amortization rates.

The agreement further provides for the inclusion in Midwestern's tariff of a purchased gas adjustment (PGA) clause for the Southern System and for the Northern System. The parties request a waiver of § 154.38(d)(4)(iv) of the Commission's regulations so that the PGA for the Southern System can provide for rate changes to reflect those of its pipeline supplier semiannually rather than on the effective date of such pipeline supplier rate changes.

Midwestern states that copies of the agreement and supporting testimony and exhibits were served on all parties to the above-entitled proceeding.

Any person desiring to be heard or to protest said amended settlement agreement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this amended settlement agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11557 Filed 6-8-73;8:45 am]

[Docket No. RP73-63]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Certification of Proposed Settlement Agreement

JUNE 6, 1973.

On March 28, 1973, Presiding Administrative Law Judge William Jensen certified to the Commission a proposed stipulation and agreement to terminate proceedings filed by Natural Gas Pipeline Co. of America (Natural) on March 23, 1973, together with a motion for approval thereof.

The proposed stipulation and agreement would authorize Natural to establish and implement a revolving exploration fund, the moneys therefor to be raised by pricing the natural gas produced from leases acquired by Natural prior to October 7, 1969, at the applicable area rate instead of the cost of service basis on which that gas is now priced. That authorization would be subject to certain protective conditions which include, inter alia, Natural's agreement to expend a sum at least equal to an average expenditure and development program, a review at the end of 5 years and at the end of the program by the Commission to determine what action should be taken to protect the public interest if Natural fails to dedicate to the interstate market the target volume of 200,000 M ft^3 in new natural gas reserves, the requirement that all moneys from the fund be expended on exploration and development activities within the onshore areas as defined in the proposed agreement, and other limitations on the use of the moneys as set forth in the proposed stipulation and agreement. The stipulation and agreement also authorizes Natural to make certain changes in its purchased gas adjustment clause, paragraphs 18.62 and 18.63 of the general terms and conditions of Natural's FPC gas tariff, third revised volume No. 1, in order to reflect in its base average purchased gas cost the effect of the initial change to pricing at area rates and to permit Natural to reflect in its rates any subsequent changes in average cost of gas due to changes in the company-owned production allowance.

Any person desiring to make comments on this proposed stipulation and agreement should file written comments with the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments should be filed on or before June 21, 1973.

Copies of the stipulation and agreement are on file in the Commission's public files and are available for inspection by any person desiring to inquire more fully into the contents of the proposal.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11564 Filed 6-8-73;8:45 am]

[Docket No. E-7690]

NEPOOL POWER POOL AGREEMENT

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

JUNE 1, 1973.

On May 22, 1973, the New England Power Pool Executive Committee filed a motion for further extension of time for filing testimony and exhibits as established by notice issued March 21, 1973, in the above designated matter. The motion states that the interveners have no objection to the requested extension.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of testimony and exhibits, Aug. 1, 1973.
Testimony by staff, Aug. 22, 1973.
Rebuttal testimony, Sept. 12, 1973.
Prehearing conference, Sept. 25, 1973.
Cross examination on all evidence, Oct. 3, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11559 Filed 6-8-73;8:45 am]

[Dockets Nos. E-7700, E-7729, E-7800]

NEW ENGLAND POWER CO.

Notice of Certification of Proposed Settlement Agreement

MAY 30, 1973.

Take notice that on April 19, 1973, Presiding Administrative Law Judge Jensen certified to the Commission a proposed settlement agreement in the above consolidated proceedings, together with the record of hearing related thereto.

Any person wishing to do so may file comments with respect to the proposed settlement agreement on or before June 15, 1973. The proposed settlement agreement and related record are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11560 Filed 6-8-73;8:45 am]

[Docket No. CI73-786]

NORTH CENTRAL OIL CORP.

Notice of Application

JUNE 5, 1973.

Take notice that on May 18, 1973, North Central Oil Corp. (Applicant), 4545 Post Oak Place Drive, Houston, Tex. 77027, filed in Docket No. CI73-786 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Seven Oaks-Hortense Area, Polk County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 42,000 Mcf of gas per month for 2 years at 45 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Estimated initial upward Btu adjustment is 2.25 cents per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by §§ 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11561 Filed 6-8-73;8:45 am]

[Docket No. CI72-321]

PENNZOIL PRODUCING CO.

Notice of Petition To Amend Commission's General Policy and Interpretations

MAY 31, 1973.

Take notice that on April 27, 1973, Pennzoil Producing Co. (Petitioner), 900 Southwest Tower, Houston, Tex. 77002, filed in docket No. CI72-321 a petition to amend pursuant to § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) the order of the Commission issuing a certificate of public convenience and necessity in said docket on June 9, 1972 (47 FPC ——) pursuant to section 7(c) of the Natural Gas Act by authorizing the sale for resale and delivery of natural gas in interstate commerce to Sea Robin Pipeline Co. (Sea Robin) from block 255, Ship Shoal Area, offshore Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner proposes under the optional gas pricing procedure to sell natural gas to Sea Robin at an initial price of 35c/M ft^3 at 15.025 lb/in^2a, subject to upward and downward Btu adjustment, from wells commenced on or after April 6, 1972, pursuant to a contract dated July 26, 1972. Said contract provides for 2.5c/M ft^3 price escalations each 36 months, for Petitioner to pay .02c/M ft^3/mi per mile for transportation of plant shrinkage gas volumes and 20c/bbl for transportation of liquids, for a contract term of 20 years and for reimbursement to the Petitioner for all taxes in excess of those levied as of the contract effective date. Petitioner also requests pregranted abandonment authorization. Initial deliveries of gas are estimated at 310,000 M ft^3 per month.

By the Commission's order of June 9, 1972, in docket No. CP72-6, et al., Petitioner was issued a certificate of public convenience and necessity in the subject docket authorizing the sale of gas from the subject acreage. Petitioner advised the Commission by letter dated June 13, 1972, that it accepted the certificate so issued. Petitioner also states that the subject contract has been accepted for filing, but that deliveries of gas have not commenced under the certificate issued. Petitioner requests that the certificate issued in docket No. CI72-321 be amended to allow it to utilize the optional pricing procedure to sell gas to Sea Robin from the wells commenced on or after April 6, 1972.

Petitioner believes that approval of its proposal will assist Sea Robin in assuring that its customers will have adequate supplies of gas to meet the demands of consumers during the term of the certificate at a time when Sea Robin's customers, United Gas Pipe Line Co. and Southern Natural Gas Co. are curtailing deliveries of gas to their purchasers. Petitioner asserts that the instant long-term contract for the sale of natural gas produced domestically and delivered at the contract prices is extremely beneficial to consumers faced with the prospect of paying in excess of $1 (initial price) for gas imported from countries with uncertain political futures or transported over long distances from Alaska. Petitioner contends that recently executed contracts for the sale of gas in the same area call for much higher prices, in the neighborhood of 45 to 50c/M ft^3, and that recently executed contracts in the intrastate markets contain even higher rates. Petitioner believes that the cost of new gas-well gas supports the instant proposal.

In the alternative, Petitioner requests a new certificate of public convenience and necessity authorizing the sale of gas as proposed herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11562 Filed 6-8-73;8:45 am]

[Docket No. CI73-706]

PHILLIPS PETROLEUM CO.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

JUNE 5, 1973.

On April 19, 1973, Phillips Petroleum Co. (Phillips) filed an application in docket No. CI73-706 for a limited term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to order No. 431 and section 157.23 of the Commission's regulations under the Natural Gas Act, for the sale of gas to El Paso Natural Gas Co. (El Paso) from the Tidwell A-1 well in Eddy County, N. Mex. (Permian Basin).

Specifically, Phillips proposes to sell approximately 240,000 M ft^3 of gas per month to El Paso for 1 year pursuant to a contract dated February 1, 1973. The proposed rate of 52 c/M ft^3 (14.65

lb/in² a), subject to British thermal unit adjustment, exceeds the current ceiling price of 27 c/M ft³ for the area.

Phillips commenced a 60-day emergency sale to El Paso on April 10, 1973, pursuant to order No. 418.

The justification for the rate as well as other public interest issues should be presented in a full evidentiary record. Accordingly, we will set this matter for a formal, expeditious hearing.

A timely petition to intervene in support of the application was filed by El Paso on May 10, 1973.

The Commission finds

(1) The intervention of El Paso in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders

(A) El Paso is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on June 26, 1973 at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by Phillips in the application filed April 19, 1973.

(C) On or before June 15, 1973, Phillips and any supporting party shall file with the Commission and serve upon all parties, including Commission staff, their testimony and exhibits in support of their positions.

(D) An administrative law judge to be designated by the Chief Administrative Law Judge—see delegation of authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11563 Filed 6-8-73;8:45 am]

[Docket No. CI73-797]

PRODUCER'S GAS CO.

Notice of Application

JUNE 5, 1973.

Take notice that on May 14, 1973, Producer's Gas Co. (Applicant), 2000 Tower Petroleum Building, Dallas, Tex. 75201, filed in docket No. CI73-797 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from acreage in Hansford County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 2 years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 600 M ft³ of gas per day at 45 cents per million Btu at 14.65 lb/in²a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11565 Filed 6-8-73;8:45 am]

[Docket No. RP73-93]

RATON NATURAL GAS CO.

Notice of Proposed Change in Rates

JUNE 1, 1973.

Take notice that on March 27, 1973, Raton Natural Gas Co. (Raton) tendered for filing as part of Raton's FPC Gas Tariff, original volume No. 1, the following proposed revised tariff sheets:

First revised sheet No. 3a.
Fifth revised sheet No. 4.
First revised sheet No. 7.

Raton states that it has concurrently submitted for filing as a part of its FPC gas tariff, original volume No. 1, original sheet No. 3a, original sheet No. 20a, and original sheet No. 20b, which tariff sheets embody a purchased gas cost adjustment provision and necessary conforming changes in related tariff provisions intended to conform to the requirements of the Commission's Order No. 452, 452-A, and 452-B in docket No. R-406. Raton has requested that such tariff sheets be made effective as of October 1, 1972. Such filing was noticed on April 5, 1973.

The company maintains that the filing submitted herewith is only for the purpose of effecting a change in Raton's rates to compensate Raton for the increase in charges for gas purchased from Colorado Interstate Gas Co. (CIG) for resale to Raton's only jurisdictional customer. Raton submits that its current rates do not recover its current costs. Raton says that the proposed increase in Raton's rates, proposed to be effective on April 1, 1973, is intended to recover the changes in CIG's commodity charge to Raton and also to include a surcharge for 6 months to enable Raton to recover the unrecovered gas purchased cost which occurred from October 1, 1972, through February 28, 1973.

Raton proposes that the tariff sheets filed herewith be made effective on April 1, 1973, and respectfully requests waiver to the extent necessary of the provisions of §§ 152.22 and 154.38(d)(4) of the Commission's regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make pro-

testants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11540 Filed 6-8-73;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Filing of Substitute Original and Revised Tariff Sheets

MAY 31, 1973.

Take notice that on May 7, 1973, South Georgia Natural Gas Co. filed in docket No. RP73-49 certain substitute original and revised sheets to its FPC Gas Tariff, original volume No. 1.[1] South Georgia states that the proposed tariff sheets are in compliance with the Commission's order issued in this docket on April 13, 1973. That order approved South Georgia's proposed purchased gas adjustment clause, and permitted a change in rates thereunder to reflect an increase in rates by Sea Robin Pipeline Co. in docket No. RP73-47 on the date such increase is made effective by South Georgia's supplier, Southern Natural Gas Co. in docket No. RP73-64. Southern Natural has proposed to reflect the Sea Robin increase in its rates to South Georgia as of April 16, 1973, and Southern Georgia also requests an effective date of April 16, 1973. South Georgia states that the amount of the increase is $413,247, of which $302,512 is applicable to jurisdictional customers.

Copies of the filing were served by South Georgia on its customers and interested State regulatory Commissions.

Any person desiring to be heard or to protest the subject filing by South Georgia should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of South Georgia's filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11566 Filed 6-8-73;8:45 am]

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[1] Substitute original sheet No. 3A; substitute second revised sheet No. 19B; substitute original sheet Nos. 19C, 19D, 19E, 19F; substitute first revised sheet No. 3A; substitute 26th revised sheet No. 5; Substitute 25th revised sheet No. 6; substitute 17th revised sheet No. 9; substitute 16th Revised Sheet No. 11; substitute 20th revised sheet No. 12B.

[Dockets Nos. CP73-154, CI73-698]

SOUTHERN NATURAL GAS CO. AND MALLARD EXPLORATION, INC., ET AL.

Order Granting Interventions and Consolidating Proceedings

JUNE 1, 1973.

On December 6, 1972, Southern Natural Gas Co. (Southern Natural), filed in docket No. CP73-154 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of certain natural gas facilities in Alabama. Notice of Southern Natural's application was issued December 14, 1972, and published in the FEDERAL REGISTER on December 22, 1972 (37 FR 28218). By order issued June 1, 1973, interventions were granted to all parties who filed petitions for leave to intervene in docket No. CP73-154.

On April 16, 1973, Mallard Exploration, Inc., et al. (Mallard), filed in docket No. CI73-698 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce. Mallard's application also requested an order declaring that the transportation and sale of condensate and light liquid products, together with any facilities necessary to such operations, are not subject to the Commission's jurisdiction.

The facilities for which Southern Natural requests authorization in docket No. CP73-154 are to be used for the transportation of natural gas which Mallard proposes in docket No. CI73-698 to sell to Southern Natural. Southern Natural, in its application, anticipates that it will receive from Mallard the natural gas stream including liquid hydrocarbons present therein. Southern Natural would then strip the liquid hydrocarbons from the gas stream, for reformation in the maximum utilization plant for which authorization is sought in the application. However, Mallard, in docket No. CI73-698, states that it has retained the option of removing the liquid hydrocarbons prior to delivery of the natural gas to Southern Natural, and to then sell the liquids to South Natural separately.

By order directing filing of briefs for limited purpose of determining jurisdiction, issued May 21, 1973, we directed parties to the Southern Natural proceeding in docket No. CP73-154 to brief the jurisdictional issue raised therein. Mallard, an intervenor in that proceeding, filed on May 24, 1973, a motion requesting a clarifying order and extension of time for the filing of jurisdictional briefs. By order issued simultaneously herewith, we shall grant Mallard's request and issue an order clarifying our order of May 21, and extend the time for the filing of jurisdictional briefs.

The Commission notes that there exists an interrelationship between the two above-described dockets and concludes that their ultimate resolution would best be accomplished in a consolidated proceeding. The Commission shall therefore consolidate docket No. CP73-154 and docket No. CI73-698 for disposition as to all issues, including the jurisdictional issue raised in docket No. CP73-154. We therefore invite briefs on the jurisdictional issue from all parties to both proceedings, including those whose interventions are granted below.

Notice of Mallard's application was issued on April 26, 1973, and was published in the FEDERAL REGISTER on May 3, 1973 (38 FR 11005). May 18, 1973, was set as the due date for filing protests and petitions to intervene. Timely interventions were subsequently filed by Southern Natural Gas Co. on May 17, 1973, and by Atlanta Gas Light Co. on May 18, 1973.

Having reviewed the petitions to intervene in docket No. CI73-698, we are convinced that both petitioners have sufficient interest in these proceedings to warrant intervention. Furthermore, any petition whose intervention is hereby granted in docket No. CI73-698, or whose intervention in docket No. CP73-154 was granted by our above-mentioned order of June 1, 1973, shall be deemed an intervenor in the proceedings consolidated herein. Accordingly, no further petitions to intervene need be filed by any party whose intervention has been granted in either of the instant dockets.

As expressed in our order issued May 21, 1973, in docket No. CP73-154, as clarified by our order issued simultaneously herewith, we believe that the jurisdictional issue raised herein is unique and should be addressed in brief and resolved in accordance with the factual situations presented in these proceedings. Therefore, we shall at this time defer action on Mallard's request for an order declaring that the transportation and sale of condensate and light liquid products, together with any facilities appurtenant thereto, are not subject to Commission jurisdiction, and resolve this jurisdictional question after consideration of the briefs to be filed herein.

The Commission finds

(1) It is necessary and appropriate that the proceedings in the above-entitled dockets be consolidated.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these consolidated proceedings in order that they may establish the law and the facts from which the nature and validity of their alleged rights may be determined.

(3) It is necessary and appropriate that Mallard's request for an order declaring certain of its facilities and operations to be nonjurisdictional be denied.

The Commission orders

(a) Docket No. CP73-154 and docket No. CI73-698 are consolidated for purposes of disposition.

(b) The above-named petitioners are permitted to intervene in this consolidated proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters

affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(c) Mallard's request for an order declaring that the transportation and sale of condensate and light liquid products to Southern Natural, together with facilities necessary to such operations, are not subject to the Commission's jurisdiction, shall be determined after consideration of the briefs to be filed herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11567 Filed 6-8-73;8:45 am]

[Docket No. CP73-300]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MAY 31, 1973.

Take notice that on May 8, 1973, Texas Gas Transmission Corp. (Applicant), 3800 Fredrica Street, Owensboro, Ky. 42301, filed in docket No. CP73-300 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Florida Gas Transmission Co. (Florida Gas), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authority to transport up to 5,000 M ft³ per day of natural gas for Florida Gas on a firm basis from the East Bayou Pigeon Field, Iberia Parish, La. Applicant will transport the gas through its East Bayou Pigeon Field 8-inch to the interconnection with Florida Gas' pipeline near Eunice, Acadia Parish, La. Applicant indicates that Florida Gas will pay 2c/M ft³ for the transportation service.

Applicant states that the facilities to be constructed by it will consist of a plug valve at the point of receipt at a cost of $1,338 to be financed with funds on hand and reimbursed by Florida Gas. Applicant further states that Florida Gas will construct and maintain a measuring station at the point of receipt and construct a gathering pipeline from the wells to the point of receipt.

Applicant indicates that Florida Gas Exploration Co., has filed an application in docket No. CI73-676 for authorization to sell natural gas to Florida Gas from the East Bayou Pigeon Field.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10), and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless, otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11568 Filed 6-8-73;8:45 am]

[Docket No. CP73-310 [1]]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition for Emergency Relief

JUNE 1, 1973.

Public notice is hereby given that a petition for emergency relief was filed on April 27, 1973, by the town of Smyrna, Tenn. (Smyrna), pursuant to § 1.7(b) of the Commission's rules of practice and procedure and terms of the Commission's order denying rehearing and stay issued January 24, 1973. Smyrna is seeking an increased annual allotment of at least 20,307 M ft³ from its sole supplier, Texas Eastern Transmission Corp. (TETCO).

Smyrna claims that its current annual allotment of 156,828 M ft³ is not sufficient to meet the projected demands of Smyrna's users. Smyrna has presented data to show that for the 12-month periods ending August 31, 1971, and August 31, 1972, the quantity of gas required by Smyrna has exceeded by 50 percent the quantity required in the period from September to February of those years. Stating that it used 116,909 M ft³ from September 1, 1972, to February 28, 1973, Smyrna claims that it must have 177,135 M ft³ for the 12 months ending August 31, 1973.

Smyrna states that virtually all of its customers are residential and small commercial users. Only three users, says Smyrna, fall outside of priority-of-service category (1) established by Commission order No. 467-B, issued March 2, 1973, in docket No. R-469. They are listed as the Smyrna High School, which uses gas for space heating, the Tennessee Farmers Coop, which uses gas as feedstock to make fertilizer and for space heating, and the Lane Co., which uses gas for space heating and kiln drying.

Smyrna states that none of the three has acceptable alternate fuel capability.

Smyrna claims that unless the requested relief is granted it will be forced either to curtail service to its customers or to pay penalty charges of $3 per M ft³ in order to meet its demand. Payment of such a charge, says Smyrna, would potentially bankrupt its gas system.

Any person desiring to be heard or to make protest with reference to said petition should on or before June 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11541 Filed 6-8-73;8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Notice of Filing of Tariff Revisions Containing Proposed Curtailment Plan

JUNE 4, 1973.

Take notice that on May 17, 1973, Texas Gas Transmission Corp. (Texas Gas) tendered for filing, pursuant to section 4 of the Natural Gas Act, original sheet No. 92-C, first revised sheets Nos. 90, 91, 92-A, 92-B, 148, 149, 150, 151, and 152, second revised sheet No. 79, and third revised sheet No. 92 to its FPC gas tariff, third revised volume No. 1, relating to proposed curtailment procedures. Texas Gas proposes that the aforesaid tariff sheets become effective May 1, 1973, with the exception of first revised sheets Nos. 148 through 152, for which an effective date of May 1, 1974, after full statutory suspension, if any, is requested.

Texas Gas states that the subject tariff filing was made largely in compliance with the Commission's directive in its order issued April 11, 1973, in the above-entitled docket, and that it reflects the same priorities-of-service specified in the Commission's Order No. 467-B issued March 2, 1973, in docket No. R-469. Texas Gas also states that its filing reflects a change to make clear that the force majeure provisions are applicable to all failures of gas supply, whether temporary or long term.

[1] The town of Smyrna's petition for emergency relief was originally filed in dockets Nos. RP71-130 and RP72-58.

Additionally, Texas Gas' proposed curtailment procedures, in summary, provide:

(1) A provision for the recovery of any demand charge adjustments made as the result of curtailment below quantity entitlements.

(2) The imposition of a penalty of $5 per M ft³ for volumes taken by the purchaser in excess of the volumes specified under the curtailment procedures.

(3) The extension of the presently effective quantity entitlements indefinitely in the future under conditions where a shortage of gas supply exists. Texas Gas avers that the presently effective quantity entitlements will expire on April 30, 1974, pursuant to its interim settlement agreement approved by the Commission's order issued herein June 26, 1972, and that consequently its tariff revisions relating to quantity entitlements are proposed to be effective as of May 1, 1974.

Texas Gas requests waiver of the notice provisions of § 154.22 of the Commission's regulations under the Natural Gas Act.

Texas Gas states that copies of its filing have been mailed to all of its customers affected and interested State commissions.

A shortened notice period in this matter will be in the public interest.

Any person desiring to be heard or to make any protest with reference to said filing should, on or before June 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11569 Filed 6-8-73;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL BANCORP., INC.

Order Denying Acquisition of Bank

Central Bancorp., Inc., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Central National Bank of Miami, Miami, Fla. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant presently controls the Central Bank and Trust Co. and Central Bank of North Dade, both located in Miami, Fla., representing about one-half of 1 percent of deposits in commercial banks in Florida and 2½ percent of such deposits in Dade County.[1] The acquisition of Bank (deposits of $26.6 million) would have no significant effect on the concentration of banking resources in Florida and would increase Applicant's share of deposits in Dade County by less than one-half of a percentage point. Although all three banks compete in the same banking market, there is little existing competition between them due to the fact that the institutions have been under substantially common ownership since 1968 (Applicant's principal shareholder owns over 54 percent of Bank's stock). Consummation of the proposal would have no significant adverse effects on existing or potential competition and competitive considerations are, therefore, consistent with approval.

The Board's inquiry does not end here. Under the statute, it must also examine the convenience and needs of the communities to be served, the financial and managerial resources of the holding company and the banks involved, and determine whether consummation of the proposal would be in the public interest.

While Applicant proposes to add additional services to those offered by Bank, such services are readily available in Dade County at the present time. Considerations relating to the convenience and needs of the communities to be served are therefore consistent with but lend no weight toward approval.

While the above considerations are consistent with approval, considerations relating to the financial and managerial resources and prospects of Applicant, its subsidiary banks, and Bank give rise to serious concern in connection with this proposal. Applicant proposes to borrow $3.5 million to purchase the shares which one of its principals owns in Bank. It proposes to eliminate this debt and make an equal offer to minority shareholders at a later date through issuance of 430,700 shares of its stock at $15 per share. Applicant contends that it could thus raise the more than $6 million which the transaction would require.

An analysis of the financial history and condition of Applicant and its subsidiary banks indicates that the 1970 consolidated income before income taxes and securities gains of Applicant on a per share basis was $1.90. For 1972 this figure was $0.62. Similarly, the income before income taxes and securities gains of Applicant's lead bank declined from $1.7 million in 1970 to $728,000 in 1972. Its other subsidiary bank showed income before income taxes and securities gains of $270,000 in 1970 and a loss before income taxes and securities gains of $105,000 in 1972 (loss of $213,000 for 1971). Bank's income, on the other hand, has been level over the last 3 years. Given this financial history, the Board believes it is highly unlikely that Applicant can market its proposed stock offering for a figure which represents 25 times 1972 income before income taxes and securities gains.

While the inclusion of Bank into Applicant's system might improve Applicant's financial condition somewhat, as the Board has on many occasions stated, a holding company should be a source of strength for its subsidiary banks rather than using them to improve its posture. Under these circumstances, financial considerations weigh strongly against approval of this application.

Additionally, the Board has serious reservations with respect to the managerial resources of Applicant which are underscored by the continuing decline in earnings of Applicant's subsidiary banks. Applicant's principal shareholder is chairman of the Board and executive vice president of Applicant and its subsidiary banks, as well as Bank. Three of that individual's children act variously as officers and directors of the institutions involved. Of this family group, three reside in Houston, Tex., and one in California. Business is conducted by telephone or mail and short monthly trips to Miami. For these services the individuals receive substantial fees. As the Board stated in connection with the application by Seilon, Inc., 58 Federal Reserve Bulletin 729, absentee management is substantially less effective than on the scene management, which is usually better able to react quickly when, and if, financial, operational, or managerial difficulties arise in a subsidiary bank. As such, the Board regards absentee management as less than desirable. This is particularly true where, as here, the banks are experiencing earning problems. The Board is unable to conclude that considerations relating to the management factor are consistent with approval of Applicant's proposal.

While denial of the application may not immediately effect existing relationships due to the common ownership between Applicant and Bank, approval would represent Board sanction of existing management practices and would increase Applicant's debt to an unacceptable level, absent the unlikely success of the proposed public offering. The public interest would not be served by such action.

In light of the above, it is the Board's judgment that the proposed transaction would not be in the public interest and should not be approved. While the Board has concluded that the application should be denied for those reasons, this should not be construed as Board approval of other aspects of the proposed transaction, particularly the proposal to make certain payments in this connection to the principal shareholder of Applicant and of Bank, but not to other shareholders of Bank.

[1] All banking data are as of June 30, 1972.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[2] effective May 30, 1973.[3]

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-11505 Filed 6-8-73;8:45 am]

FIRST NATIONAL BANCORPORATION, INC.

Order Approving Acquisition of Bank

The First National Bancorporation, Inc., Denver, Colo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3 (a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire 80 percent or more of the voting shares of Republic National Bank of Pueblo, Pueblo, Colo. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Colorado, controls nine banks with deposits of $807.4 million, representing 15.2 percent of total deposits of commercial banks in the State. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through April 30, 1973.)[1] Consummation of the proposed acquisition of Bank ($18.5 million of deposits) would increase applicant's share of deposits of commercial banks in Colorado by less than .5 percentage points and would not result in a significant increase in concentration of bank resources in Colorado.

Bank operates one office in a suburban shopping center outside of the central business district of Pueblo and is the fifth largest of eight commercial banks in that city, controlling 10 percent of the total deposits of commercial banks in that area. Bank is located 105 miles south of Applicant's lead bank (First National Bank, Denver, deposits of $615 million) which is located in Denver, Colo., and is the largest commercial bank in the State. Applicant's subsidiary bank closest to Bank is located in Colorado Springs, approximately 40 miles north of Pueblo. No significant competition exists between Bank and any of Applicant's subsidiaries and its appears unlikely that any significant competition would develop in the future between Bank and Applicant's subsidiary banks in view of distances separating these banks and Colorado's restrictive branching laws.

It appears also that consummation of the proposed acquisition will not have an adverse effect on potential banking competition in the Pueblo area. Applicant could enter the Pueblo market de novo or through acquisition of one of the three smaller banks in that market, however, these alternatives appear somewhat limited in view of the reduced rate of economic development and population growth in the Pueblo area during the last few years. In 1972, officers and directors of Bank were instrumental in organizing what is now the smallest bank in the Pueblo market. Consummation of the proposed acquisition of Bank will result in a termination of this affiliation and thereby have a beneficial effect upon the development of additional competition among banking organizations in the Pueblo area. Based on the foregoing, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area but should enable Bank to continue to compete aggressively with the larger banks in its market, two of which are members of bank holding company organizations and, in addition, provide an additional competitor in Bank's market.

Considerations relating to the financial and managerial resources and future prospects of applicant, its subsidiaries and Bank appear satisfactory and are consistent with approval of the application. The major banking needs of the Pueblo area are being adequately served at the present time by existing banking organization. However, affiliation with applicant would provide Bank with a more convenient source of additional funds and enable Bank to provide, through applicant, an expanded range of specialized financial services. Bank has been an aggressive competitor since it began operations in 1962. Affiliation with applicant should assist Bank in its efforts to continue to expand its lending activities beyond its suburban location and to participate in and promote what appears to be a recent resurgence of economic activity in the Pueblo area. Considerations relating to the convenience and needs of the Pueblo community, therefore, lend weight toward approval of the application. It is the Board's judgment that the transaction would be in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before July 2, 1973, or (b) later than September 4, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 1, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-11506 Filed 6-8-73;8:45 am]

PATAGONIA CORP.

Order Approving Acquisition of Tucson Finance Co.

Patagonia Corp., Tucson, Ariz., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4 (b)(2) of the Board's regulation Y, to acquire (through Model Finance Co. of Tucson, Ariz., a wholly-owned subsidiary of Patagonia Corp.'s wholly-owned subsidiary, Model Finance Co.) certain assets of Tucson Finance Co., Tucson, Ariz., a company that engages in the activities of a consumer finance company and acting as agent or broker in the sale to its debtors of credit life, accident and health insurance which is directly related to extensions of credit to those debtors. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1) and (9)(ii)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 8020). The time for filing comments and views has expired, and none has been timely received.

Applicant's banking subsidiary, Great Western Bank & Trust (Great Western), is the fifth largest bank in Arizona. Its deposits of approximately $177 million represent 3.9 percent of total commercial bank deposits in the State. Great Western's four Tucson offices (approximately $28 million in deposits) make it the fifth largest of six banking organizations competing in the Pima County banking market, which includes Tucson.[1] Applicant also has nonbanking subsidiaries engaged principally in consumer finance activities, leasing of personal property and equipment, and operating a savings and loan association.

Tucson Finance operates one office in downtown Tucson and is essentially a one-man operation. Applicant is seeking to acquire only the outstanding consumer receivables and the related insurance contracts of Tucson Finance. The consumer receivables of Tucson Finance amount to about $135,000.[2] Tucson Finance competes for personal loans within the Tucson area with 24 licensed finance

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

[3] Board action was taken while Governor Robertson was a Board Member.

[1] On June 9, 1970 and November 3, 1970, respectively, the Board announced the approval of applicant's applications to acquire The First National Bank of Greeley, Greeley, Colo. ($40 million of deposits) and The Security State Bank of Sterling, Sterling, Colo. ($24 million of deposits). Consummation of these acquisitions has been delayed by litigation instituted by the Department of Justice.

[3] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

[1] All banking data are as of June 30, 1972.

[2] All nonbanking data are as of year-end 1972.

companies (a number of which are national in scope) operating out of 38 offices, including a wholly-owned subsidiary of applicant's, Model Finance Co. of Tucson (Model). Model has two offices in Tucson, one of which was just recently opened de novo, in East Tucson. It is the Board's judgment that the proposed acquisition would have no significant adverse effect on existing competition as no meaningful existing competition would be eliminated by approval of this application. Moreover, because of the large number of remaining competitors, inincluding a number with regional or national affiliations, the many potential entrants and the relative ease of entry into the consumer finance business, there are no significant adverse effects upon potential competion. Furthermore, it appears that, in general, finance companies and commercial banks do not compete for loans to the same class of borrowers; accordingly, the Board concludes that consummation of the acquisition would not eliminate significant existing or potential competition between Great Western's Tucson offices and Tucson Finance.

Model and Tucson Finance both sell credit life, accident and health insurance in connection with loans they originate. Due to the limited nature of Tucson Finance's insurance activities, it does not appear that operation of such insurance activities by applicant would have any significant effect on either existing or potential competition.

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest. Applicant's greater financial resources and specialized services should enable it to better service the existing customers of Tucson Finance and provide them with local servicing on their loans after Tucson Finance's office is closed upon the sale of Tucson Finance to applicant and the retirement of Tucson Finance's sole shareholder and principal employee. Also, customers of Tucson Finance resident in the East Tucson area will find it more convenient to be serviced out of Model's East Tucson office. Furthermore, Model's competitive strength should be increased so that it may better compete with the local offices of its national competitors.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(3) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective June 1, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-11507 Filed 6-8-73;8:45 am]

UNITED JERSEY BANKS

Order Approving Acquisition of Bank

United Jersey Banks, Hackensack, N.J., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares of Par-Troy State Bank, Parsippany-Troy Hills, N.J. (Bank).

Notice of the application, afforded opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant controls 15 banks, with aggregate deposits of $1.2 billion, representing about 7 percent of the total deposits of commercial banks in New Jersey.[1] The acquisition of Bank (deposits of $7.4 million) by applicant would not significantly increase the concentration of banking resources in the State.

Bank is the thirty-second largest of 147 banks located in the relevant banking market with less than one-half of 1 percent of market deposits.[2] Applicant has three existing banking subsidiaries in the Greater Newark market, and has a fourth banking subsidiary on the periphery of such market. Though there would be some elimination of actual competition between these subsidiaries of applicant and Bank, it would not be substantial. The total market shares of applicant's subsidiaries is only a little over 2 percent, so that the acquisition of Bank by applicant would result in applicant having only about 2.5 percent of the market deposits in the Greater Newark area. Moreover, a large number of small banks would remain available for acquisition by banking organizations seeking to enter the Greater Newark market. On the basis of the facts of record, the Board concludes that competitive considerations are consistent with approval of the application.

The managerial and financial condition and future prospects of applicant, its subsidiary banks, and Bank are generally satisfactory. However, applicant should be able to provide Bank with greater continuity of management so that this factor lends support for approval of the application. Considerations relating to the convenience and needs of the community to be served lend some support for approval of the application since acquisition of bank by applicant will enable Bank to offer a fuller range of services than it is presently able to do. The Board concludes that approval of the application is in the public interest.

On the basis of the record the application is approved for the reason summarized above. The transaction shall not be consummated (a) before July 2, 1973, or (b) later than Sept. 4, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York, pursuant to delegated authority.

By order of the Board of Governors,[3] effective June 1, 1973.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-11503 Filed 6-8-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

[2] Banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved by the Board through Apr. 30, 1973.

[3] The relevant banking market is approximated by the Greater Newark area, which consists of Essex County, Union County except for the Plainfield area, the eastern half of Morris County, and Hudson County west of the Hackensack River.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CONSOLIDATION COAL CO.

Application for Renewal Permit; Amended Notice of Opportunity for Public Hearing

Application for renewal permit for noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP Docket No. 20160, Consolidation Coal Co., Blacksville No. 2 Mine, USBM ID No. 46 01968 0, Wana, W. Va.:
Section ID No. 005 (1½ west), Section ID No. 011 (2 east), Section ID No. 014 (2-B), Section ID No. 015 (4-A), Section ID No. 016 (2 west), Section ID No. 017 (3 west), Section ID No. 018 (3 east), Section ID No. 019 (2 right), Section ID No. 021 (5-B), Section ID No. 022 (3-B), Section ID No. 023 (2 left).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)), of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before June 26, 1973. Requests for public hearing must be filed in accordance with 30 CFR, part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim

[3] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan and Bucher. Absent and not voting: Governor Mitchell.

Compliance Panel, room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JUNE 5, 1973.

[FR Doc.73-11516 Filed 6-8-73;8:45 am]

CONSOLIDATION COAL CO., ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20161, Consolidation Coal Co., Blacksville No. 1 Mine, USBM ID No. 46 01867 0, Blacksville, W. Va.:
Section ID No. 002-1 (2 north right), Section ID No. 002-0 (2 north left), Section ID No. 004 (1 west), Section ID No. 008 (2 east), Section ID No. 011 (5 north), Section ID No. 012 (A-3), Section ID No. 015 (A-9), Section ID No. 016 (C-1), Section ID No. 017 (C-2), Section ID No. 018 (3 east), Section ID No. 019 (3 west), Section ID No. 020 (B-2).

(2) ICP Docket No. 20562, Quarto Mining Co., Powhatan No. 4 Mine, USBM ID No. 33 01157 0, Powhatan Point, Ohio:
Section ID No. 002-0 (main west), Section ID No. 004-0 (left main west), Section ID No. 005-0 (right main north), Section ID No. 006-0 (left main north), Section ID No. 007-0 (main returns), Section ID No. 008-0 (2d main north), Section ID No. 009-0 (2 right off main north), Section ID No. 010-0 (3 right off main north), Section ID No. 011-0 (4 right off main north).

(3) ICP Docket No. 20563, The North American Coal Corp., Powhatan No. 1 Mine, USBM ID No. 33 00938 0, Powhatan Point, Ohio:
Section ID No. 046-0 (H north), Section ID No. 048-0 (H south), Section ID No. 063-0 (1 left H south), Section ID No. 065-0 (1 left I south), Section ID No. 067-0 (3 left H south), Section ID No. 069-0 (2 left H south), Section ID No. 070-0 (2 left H South), Section ID No. 071-0 (3 right H north), Section ID No. 072-0 (2 right H north), Section ID No. 073-0 (2 right H north), Section ID No. 074-0 (2 left H north), Section ID No. 075-0 (1 left H north).

(4) ICP Docket No. 20568, The North American Coal Corp., Powhatan No. 3 Mine, USBM ID No. 33 00939 0, Powhatan Point, Ohio:
Section ID No. 040-0 (7 east 32 north), Section ID No. 046-0 (31 north pillars), Section ID No. 047-0 (1 west 33 south), Section ID No. 048-0 (7 east 34 north), Section ID No. 049-0 (33 south pillars), Section ID No. 050-0 (8 east 34 north), Section ID No. 051-0 (32 north faces), Section ID No. 052-0 (7 east 34 north), Section ID No. 053-0 (2 east 34 south), Section ID No. 054-0 (9 west 34 north).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before June 26, 1973. Requests for public hearing must be filed in accordance with 30 CFR part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, room 800, 1730 K Street NW., Washington, D.C., 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JUNE 5, 1973

[FR Doc.73-11515 Filed 6-8-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (73-47)]

CONSULTANTS UNLIMITED

Notice of Intent To Grant Exclusive Patent License

Notice is hereby given of intent to grant to Consultants Unlimited, Stanford, California, a limited exclusive license to practice the invention described in the Application for Patent Serial No. 159,857 for "Visual Examination Apparatus," filed in the U.S. Patent Office on July 6, 1971, by the National Aeronautics and Space Administration on behalf of the United States of America. The proposed license will be exclusive, revocable and royalty-free and contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulation, 14 CFR 1245.2, as revised April 1, 1972. NASA will grant the exclusive license unless, on or before July 11, 1973, the Acting Chairman, Inventions and Contributions Board, NASA, Washington, D.C. 20546, receives in writing any of the following, together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with § 1245.206(b), in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The board will review all written responses to the notice and then recommend to the administrator whether to grant the exclusive license.

R. TENNEY JOHNSON,
General Counsel.

JUNE 5, 1973.

[FR Doc.73-11535 Filed 6-8-73;8:45 am]

[Notice 73-46]

NASA POST VIKING MARS SCIENCE ADVISORY COMMITTEE

Notice of Date and Place of Meeting

The NASA Post Viking Mars Science Advisory Committee will meet on June 21-22, 1973, at the Headquarters of the National Aeronautics and Space Administration. The meeting will be held in room 5026 of Federal Office Building 6, 400 Maryland Ave. SW., Washington, DC 20546. Members of the public will be admitted to the meeting beginning at 8:30 a.m. on both days, the agenda for which is noted below, on a first come first served basis up to the seating capacity of the room, which can accommodate about 60 persons.

The NASA Post Viking Mars Science Advisory Committee serves in an advisory capacity only. It serves to advise NASA on the continued exploration of the atmosphere, surface, and interior of Mars, and the search for evidence of life, following the Viking 1975 mission. The Committee is chaired by Dr. George Wetherill. Currently, there are 13 members, plus a recording secretary, Brian Pritchard, who can be contacted for further information at 703-827-3431.

The following is the approved agenda and schedule for the June 21-22, 1973, meeting of the Post Viking Mars Science Advisory Committee:

JUNE 21, 1973

Time	*Topic*
8:30 a.m..	Opening Remarks (Action: To preview the agenda and define objectives for this Committee meeting.)
8:45 a.m..	Working Session I (Action: The Committee is working to develop an integrated program for Mars exploration in the post-Viking period which will assist NASA in its planning for future planetary missions. At an earlier meeting, an outline of the Committee's final report was prepared. During the interim, Committee members have been preparing drafts of segments of this report. In this and the following working sessions, the Committee will review and discuss these drafts with regard to the scientific objectives of Mars atmosphere, geology, and biology investigations, and the proposed instrumentation to meet these objectives.)
11:00 a.m..	Viking 1979 Lander Mission (Action: To review the most recent modifications to a study defining the characteristics of a Viking-type mission to Mars in 1979 and to obtain the Committee's recommendation as to the role such a mission would have as part of the integrated plan for Martian exploration.)
1:00 p.m..	Working Session IV (Action: same as for Session I.)

JUNE 22, 1973

Time	Topic
8:30 a.m.	Working Session III (Action: same as for Session L)
1:30 p.m.	Working Session IV (Action: same as for Session L)

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-11534 Filed 6-8-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

OHIO

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on June 4, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Ohio resulting from mudslides beginning on or about February 1, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration undef Public Law 91-606. I therefore declare that such a major disaster exists in the State of Ohio. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Robert E. Connor, Regional Director, OEP Region 5, to act as the Federal coordinating officer to perform the duties specified by section 201 of that act for this disaster.

I do hereby determine the following areas in the State of Ohio to have been adversely affected by this declared major disaster.

The counties of:

Hamilton Washington

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated June 6, 1973.

ELMER F. BENNETT,
Acting Director, Office of Emergency Preparedness.

[FR Doc.73-11533 Filed 6-8-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30—Region IV, Amendment 5]

CHIEF, REGIONAL FINANCING DIVISION, ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30 (Region IV) (37 FR 17603), as amended (38 FR 1159), (38 FR 3553), (38 FR 7290), (38 FR 13404), is hereby further amended as follows:

* * * * *

PART II—DISASTER PROGRAM

SECTION A1. *Disaster Loan Approval Authority.*—(1) * * *, and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, and strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan: (a) Chief and assistant chief, Regional Financing Division. (b) District director. (c) Chief, District District Financing Division. (d) Branch Manager, Gulfport, Miss. branch office. (e) Disaster branch manager, as assigned.

* * * * *

PART VII—ELIGIBILITY AND SIZE DETERMINATIONS

* * * * *

SEC. B *Size Determination.*—1. (a) To make initial size determinations in all financial assistance cases within the meaning of the small business size standards regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. 1. District director. 2. Chief and assistant chief Regional Financing Division. 3. Supervisory loan officer, Regional Financing Division. 4. Chief, District Financing Division. 5. Chief, Regional Community Economic Development Division. 6. Branch Manager, Gulfport, Miss. branch office.

* * * * *

Effective date May 21, 1973.

WILEY S. MESSICK,
Regional Director, Region IV.

[FR Doc.73-11528 Filed 6-8-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 270]

ASSIGNMENT OF HEARINGS

JUNE 5, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-C-5460, sub 2, Mayflower Transit Lines, Inc.—Revocation of certificate, now assigned July 10, 1973, will be held in room 212, 2d floor, 1100 Raymond Boulevard, at Newark, N.J.

AB-5, sub 140, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment Central Vermont Railroad connection, Norwich, New London County, Conn., now assigned June 14, 1973, at Norwich, Conn., is canceled and the application is to be dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-11583 Filed 6-8-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 6, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the General rules of practice (49 CFR 1100.40) and filed on or before June 26, 1973.

FSA No. 42694.—Chemicals from Points in Texas. Filed by Southwestern Freight Bureau, agent (No. B-417), for interested rail carriers. Rates on chemicals, in tank-car loads, as described in the application, from specified points in Texas, to East St. Louis, Ill. and St. Louis, Mo.

Grounds for relief.—Market competition.

Tariff.—Supplement 197 to Southwestern Freight Bureau, agent, tariff 354-B, I.C.C. No. 4899. Rates are published to become effective on July 3, 1973.

FSA No. 42695.—Used Empty Demountable Marine Container Bodies to Points in California. Filed by Penn Central Transportation Co., (No. 2), for interested rail carriers. Rates on used empty demountable marine container bodies loaded flush on flat cars, as described in the application, from Kearny, Penn Central International Container Terminal (ramp A), N.J. and Philadelphia (Packer Ave. marine terminal), Pa., to Los Angeles and Richmond, Calif.

Grounds for relief.—Water competition.

Tariff.— Penn Central Transportation Co., tariff 26707-A, I.C.C. No. 305. Rates are published to become effective on July 1, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-11534 Filed 6-8-73;8:45 am]

[Notice No. 74]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 5, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that

there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of *Ex Parte* No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC-730 (sub-No. 347 TA), filed May 21, 1973. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: Robert H. Cleveland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), alternate routes for operating convenience only: between Chicago, Ill. and St. Paul, Minn., in connection with carrier's authorized regular route operations, serving no intermediate points: from Chicago over Interstate Highway 90 to the junction of Interstate Highway 94, thence over Interstate Highway 94 to St. Paul, and return over the same route, for 180 days.

NOTE.—Applicant does intend to tack at Chicago, Ill. with MC 730 and subs thereto.

Supporting shipper: Supported by verified statement of Robert H. Cleveland, vice president—traffic on behalf of Pacific Intermountain Express Co. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC-29392 (sub-No. 22 TA), filed May 22, 1973. Applicant: LES JOHNSON CARTAGE CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck washout machines*, from Port Washington, Wis., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Jadair, Inc., P.O. Box 89, Port Washington, Wis. 73074 (Jack Schmutzler, president). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC-4405 (sub-No. 503 TA), filed May 24, 1973. Applicant: DEALERS TRANSIT, INC., 2200 East 170 Street, P.O. Box 361, Lansing, Ill. 60438. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building panels*, from the plant of Star Manufacturing Co., Oklahoma City, Okla., to all States east of North Dakota, South Dakota, Kansas, Nebraska, Oklahoma, Texas, and Louisiana, for 180 days. Supporting shipper: Star Manufacturing Co., 8600 South Interstate 35, Oklahoma City, Okla. Send protests to: District Supervisor R. G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC-46313 (sub-No. 11 TA), filed May 24, 1973. Applicant: SUHR TRANSPORT, 117 Park Drive South, Great Falls, Mont. 59401. Applicant's representative: H. H. Lothian, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (hydraulic, masonry, mortar, natural or portland), in bulk and in sacks, from Montana City, Mont., to points in Lincoln, Whitman, Garfield, Spokane, Ferry, Stevens, and Pend Oreille Counties, Wash., for 180 days. Supporting shipper: Kaiser Cement & Gypsum Corp., Capital Plaza, Helena, Mont. 59601. Send protests to: Paul J. Labane, district supervisor, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC-51146 (sub-No. 321 TA), filed May 18, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298, Green Bay, Wis. 54304. Applicant's representative: Neil Du Jardin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool products, insulating material, and insulated air ducts*, from Kansas City, Kans., to points in Minnesota, North Dakota, Wisconsin, and South Dakota, for 180 days. Supporting shipper: C.S.G. Group, Certain-Teed Products Corp., Valley Forge, Pa. 19481 (Joseph V. Rossetti, assistant director of transportation). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC-52704 (sub-No. 101 TA), filed May 22, 1973. Applicant: GLENN McCLENDON TRUCKING CO., INC., Opelika Highway, P.O. Drawer "H," Lafayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, room 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or bottled foodstuffs*, from the plantsite of Bruce Foods Corp., Wilson, N.C., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Bruce Foods Corp., P.O. Box 1030, New Iberia, La. 70560. Send protests to: Clifford W. White, district supervisor, Bureau of Operations, Interstate Commerce Commission, room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC-60106 (sub-No. 4 TA), filed May 25, 1973. Applicant: RICHMOND BEACH FUEL & TRANSFER, INC., 1765 6th Avenue South, Seattle, Wash. 98134. Applicant's representative: Ben F. Brown (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cedar shakes, shingles and trim*, from points in Grays Harbor, Skagit, and Snohomish Counties, Wash., to points in California, for 180 days. Supporting shipper: Wesco Cedar Inc., P.O. Box 2566, Eugene, Oreg. 97402. Send protests to: L. D. Boone, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 74321 (sub-No. 78 TA) (correction), filed May 3, 1973, published in the FEDERAL REGISTER issue of May 21, 1973, and republished as corrected this issue. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Richard P. Kissinger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical substations and related parts and accessories*, from Springdale, Ark., to points in the United States (except Alaska, Hawaii, Idaho, Nevada, Montana, Utah, and Wyoming), and *parts and accessories* used in the assembly and construction of electrical substations, *circuit breakers and switches*, from all points in the United States (except Alaska, Hawaii, Idaho, Nevada, Montana, Utah, and Wyoming), to Springdale, Ark., for 180 days. Supporting shipper: Electrical Division, H. K. Porter Co., Springdale, Ark. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

NOTE.—The purpose of this republication is to add *Electrical substations and related parts and accessories*, from Springdale, Ark., to points in the United States (except Alaska, Hawaii, Idaho, Nevada, Utah, Montana, and Wyoming) which was omitted in error in the previous publication.

No. MC 74321 (sub-No. 79 TA), filed May 25, 1973. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, Colo. 80202. Applicant's representative: Richard P. Kissinger (same address as above).

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building panels*, from the plantsite of Star Manufacturing Co., Oklahoma City, Okla., to points in Arizona, California, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Star Manufacturing Co., Box 94910, Oklahoma City, Okla. 73109. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 83539 (sub-No. 370 TA), filed May 21, 1973. Applicant: C & H TRANSPORTATION CO., INC., 2010 West Commerce Street, P.O. Box 5976 (Box ZIP 75222), Dallas, Tex. 75208. Applicant's representative: Wiley C. Willingham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled cranes, power hammers, and material handling equipment*, from Lenexa, Kans., to points in the United States (except Alaska, Hawaii and Kansas), for 180 days.

NOTE.—Carrier does not intend to tack authority.

Supporting shipper: Broderson Manufacturing Corp., Lenexa, Kans. Send protests to: District Supervisor E. K. Willis, Jr., Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, room 13C12, Dallas, Tex. 75202.

No. MC 87720 (sub-No. 141 TA), filed May 21, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, closures, caps, covers, cartons, and carton parts, and material* used in the manufacture, sale, and distribution of glass containers, between the plantsite of Dart Industries, Inc., Thatcher Glass Manufacturing Co. Division, Lawrenceburg, Ind. and Milwaukee, Wis., for 180 days. Supporting shipper: Dart Industries, Inc., P.O. Box 3157 Terminal Annex, Los Angeles, Calif. 90051. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, room 204, Trenton, N.J. 08608.

No. MC 95084 (sub-No. 92 TA), filed May 21, 1973. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture, processing, sale, and distribution of agricultural implements and parts, from points in Colorado, Kentucky, Michigan, Minnesota, and Nebraska, to Perry, Iowa, for 180 days. Supporting shipper: Osmundson Manufacturing Co., Inc., Perry, Iowa 50220. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 105375 (sub-No. 45 TA), filed May 24, 1973. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and liquid animal feed supplements*, in bulk, in tank vehicles, from the plantsite of Land O'Lakes, Inc., at or near Dubuque, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Land O'Lakes, Inc., 2827 Eighth Avenue South, Fort Dodge, Iowa 50501. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 107496 (sub-No. 890 TA), filed April 30, 1973. Applicant: RUAN TRANSPORT CORP., Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, in bulk, in tank vehicles, from Indianapolis, Ind., to Louisville, Ky., for 150 days. Supporting shipper: Quemetco, Inc., RSR Corp., P.O. Box 41727, Indianapolis, Ind. 46241. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 125985 (sub-No. 14 TA) (correction), filed February 14, 1973, published in the FEDERAL REGISTER issue of March 2, 1973, and republished as corrected this issue. Applicant: AUTO DRIVEAWAY CO., 343 South Dearborn Street, Chicago, Ill. 60604. Applicant's representative: David Steinhagen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes* by driveaway, between Macomb, Ill., on the one hand, and, on the other, points in the United States, for 180 days. Supporting shipper: Dennis Austin, Jamboree, Inc., Macomb, Ill. Send protests to: William J. Gray, Jr., Area Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

NOTE.—The purpose of this republication is to add "by driveaway" which was omitted in previous publication.

No. MC 134718 (sub-No. 6 TA) (correction), filed May 15, 1973, published in the FEDERAL REGISTER issue of May 31, 1973, as MC 134713 (sub-No. 6 TA), and republished as corrected this issue. Applicant: EDWARD P. HOWELL, INC., Rural Delivery 6, Box 17, Elkton, Md. 21921. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water*, from Poland Spring, Maine, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Texas, and Oklahoma and *materials, supplies, and equipment* used in the bottling and distribution of water (except in bulk), from the destination territory aforesaid to Poland Spring, Maine, under a continuing contract or contracts with Poland Spring Bottling Corp., for 180 days. Supporting shipper: Mr. Rutledge Bermingham, Jr., Poland Spring Bottling Corp., 2185 Lemoine Avenue, Fort Lee, N.J. 07024. Send protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

NOTE.—The purpose of this republication is to correct the MC number assigned to the application as MC 134718 (sub-No. 6 TA), in lieu of MC 134713 (sub-No. 6 TA), which was published in error.

No. MC 138639 TA (correction), filed April 23, 1973, published in the FEDERAL REGISTER issue of May 7, 1973, and republished as corrected this issue. Applicant: CAVALIER TRANSPORTATION CO., INC., P.O. Box 7, Riverside, N.J. 08075. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and building materials*, from the plantsite of Kaiser Gypsum Co., Inc., Delanco, N.J., to points in Maine, Vermont, and New Hampshire, for 180 days. Supporting shipper: Kaiser Gypsum Co., Inc., Kaiser Center, 300 Lakeside Drive, Oakland, Calif. 94604. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

NOTE.—The purpose of this republication is to add *Gypsum products* as a commodity which was omitted in error in previous publication.

No. MC 138677 (sub-No. 1 TA), filed May 18, 1973. Applicant: MR ENTERPRIZES, INC., doing business as MASON'S BIOLOGICAL & MEDICAL TRANSPORTATION COURIER SERVICE, 9015 Rhode Island Avenue, College Park, Md. 20770. Applicant's representative: Charles E. Creager, suite 523, 816 Easley Street, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sera, cell, and tissue cultures, biological research products, chemicals, laboratory equipment, and apparatus, medical reagents, plasma, and live laboratory animals*, between points in Washington, D.C., and its commercial zone and Frederick County, Md., on the one hand, and, on the other, points in Maryland, District of Columbia, Virginia, West Virginia,

Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts, for 180 days. Restriction: The transportation services above are restricted to the transportation of shipments weighing not in excess of 150 pounds, from one consignor to one consignee in a single day. Supporting shippers: Microbiological Associates, Inc., subsidiary of Dynasciences Corp., 4733 Bethesda Avenue, Bethesda, Md. 20014; Industrial Biological Laboratories, Inc., 481 South Stone Street Avenue, Rockville, Md. 20850; Electronic Neucleonics Laboratories, Inc., 4905 Del Ray Avenue, Bethesda, Md.; Meloy Laboratories, 6705 Electronic Drive, Springfield, Va.; J. E. M. Research Products, Inc., 3535 University Boulevard, West Kensington, Md.; and B & W Stat Laboratory, Inc., 3102 Georgia Avenue NW., Washington, D.C. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-11585 Filed 6-8-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*	*Pages*	*Date*
14361–14659	June 1	14807–14906	June 6
14661–14732	4	14907–15041	7
14733–14805	5	15043–15356	8
		15357–15427	11

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ENVIRONMENTAL PROTECTION AGENCY

■

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Proposed Standards for Seven Source Categories

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR, Part 60]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Proposed Standards for Seven Source Categories

MAY 4, 1973.

Pursuant to section 111 of the Clean Air Act, the Administrator proposes herein standards of performance for new and modified sources within seven categories of stationary sources: Asphalt concrete plants, petroleum refineries, storage vessels for petroleum liquids, secondary lead smelters, secondary brass and bronze ingot production plants, iron and steel plants, and sewage treatment plants. The Administrator also proposes amendments to the general provisions of 40 CFR, part 60, published on December 23, 1971 (36 FR 24876), and to the appendix, "Test Methods," to this part. In a separate publication, on May 2, 1973 (38 FR 10820), the Administrator proposed amendments to the general provisions to prescribe procedures for dealing with emissions which exceed standards during startups, shutdowns, or malfunctions. The general provisions apply to all standards of performance for new and modified sources, both those standards promulgated to date (36 FR 24876) and those to be promulgated in the future.

As prescribed by section 111, this proposal of standards was preceded by the Administrator's determination that these seven categories of sources contribute significantly to air pollution which causes or contributes to the endangerment of public health or welfare and by his publication of a list of these categories of sources in this issue of the FEDERAL REGISTER.

The proposed standards apply to a selected source or sources within each category and to selected air pollutants. For example, the standard pertinent to iron and steel plants applies to the emission of particulate matter from basic oxygen process furnaces.

The bases for the proposed standards include the results of source tests conducted by the Environmental Protection Agency and local agencies, data derived from available technical literature, information gathered during visits to pollution control agencies and plants in the United States and abroad, and comments and suggestions solicited from experts. In each case, the proposed standard reflects the degree-of-emission limitation achievable through the application of the best system of emission reduction which, taking into account the cost of achieving such reduction, the Administrator has determined has been adequately demonstrated. Background information which presents the factors considered in arriving at the proposed standards, including costs and summaries of test data, is available free of charge from the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, attention: Mr. Don R. Goodwin. It is emphasized that the costs are considered reasonable for new and substantially modified sources and that it is not implied that the same costs apply to the retrofitting of existing sources. Retrofitting existing sources to achieve the proposed emission limitations would in some cases cost much more.

The Environmental Protection Agency has adopted a policy of expressing standards in the metric rather than English system. Although technical terms in test methods 10 and 11 are expressed in metric units, many of those in test methods 1 through 9 are expressed in English units. Test results derived through calculations in test methods 1 through 9 must be converted to metric units to agree with the form of the proposed standards.

Of special interest are the regulations concerning hydrocarbon emissions from storage vessels for petroleum liquids (subpt. K), and the allowable level of particulate emissions from asphalt batch plants (subpt. I).

As explained in technical report 9, emissions of hydrocarbons from storage vessels for petroleum liquids are significant. Most of the hydrocarbon emissions are released during storage and during tank filling. Rates of emissions are dependent on a variety of factors such as the physical properties of the liquid being stored, climatic and meteorological conditions, and the size, type, color, and condition of the tank.

To minimize such losses, normal practice involves the use of floating roof tanks; and when the vapor pressure of the stored hydrocarbon is very high, vapor recovery systems, pressure storage, refrigeration, or combinations thereof. Because of the nature of the emissions (high concentrations for short time periods during tank filling; low concentrations for longer periods during storage), and the configuration of storage tanks, direct emission measurement is highly impracticable, especially for general enforcement purposes. An alternate approach to direct emission measurement is a calculation procedure developed by the American Petroleum Institute to enable the determination of product losses, given such factors as average wind velocity, average ambient diurnal temperature change, product physical characteristics, tank size and mechanical conditions, and volume throughput. This calculation procedure was considered as a possible basis for the standards of performance. Such a procedure, however, if used as the basis for standards of performance, would require plant operators to maintain detailed records on all the parameters used in the calculation, could severely limit flexibility in terms of storage tank usage, and would greatly complicate enforcement procedures. As a practical measure, therefore, the Administrator has determined that equipment specification is the most acceptable approach to standards of performance for storage vessels. The regulations do allow for the use of equivalent technology, provided the same degree of emission control can be demonstrated. The standard, stated in terms of equipment specifications, will achieve essentially the same control as the more complex calculation procedure and will result in a minimum of plant recordkeeping and enforcement problems.

During the development of the proposed performance standard for asphalt concrete plants, considerable comment was received from industry indicating that the allowable emission rate cannot be achieved routinely. Test data, EPA cost analysis for new sources, and other supporting arguments led to the Administrator's judgment that the allowable emission levels can be achieved at a reasonable cost. However, because of the known controversy concerning the proposed standard of performance for asphalt concrete plants, the Administrator urges all interested parties to submit factual data during the comment period to assure that the standards which are promulgated are consistent with the requirements of section 111.

The proposed amendments to subpart A, "General Provisions," include additional abbreviations; a change to the definition of "commenced" which excludes entering into a binding agreement; substitution of an appropriate EPA regional office for the Office of General Enforcement as the addressee for all requests, reports, etc., sent to the Administrator pursuant to this part; and the addition of a provision whereby the Administrator may approve the use of alternative test methods if results show that they are adequate for testing compliance or may waive the requirement for performance tests if it has been demonstrated by other means to his satisfaction that a source is being operated in compliance with the standard.

The purpose of the provision for alternative test methods is to allow, in certain applications, the use of source test methods such as those specified by some State agencies which are sufficiently reliable for certain applications but which may not be, or may not have been shown to be, equivalent to the reference method. For example, an alternative method which does not require traversing during sampling for particulate matter may be approved if such method includes a suitable correction factor designed to account for the error which may result from failing to traverse, or if it can be demonstrated in a specific case that failure to traverse does not affect the accuracy of the test. Similarly, use of an in-stack filter for particulate sampling may be approvable as an alternative method if the method otherwise employs provisions designed to result in precision similar to the compliance method, and a suitable correction factor is included to account for variation between results expected due to filter location. In cases where determination of compliance using an alternative method is disputed, use of the reference method or its equivalent shall be required by the Administrator.

The proposed amendments to the appendix to this part consist of the addition of reference test methods for determining carbon monoxide emissions and hydrogen sulfide concentrations from stationary sources.

In accordance with section 117(f) of the act, publication of these proposed amendments to 40 CFR was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. Possible adverse environmental impact resulting from the proposed standards has been considered and determined negligible; a discussion of this subject is included in the background information which will be published at the time of proposal.

Interested persons may participate in this rulemaking by submitting written comments (in triplicate) to the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, attention: Mr. Don R. Goodwin. The Administrator will welcome comments on all aspects of the proposed regulations, including economic and technological issues, and on the proposed test methods. All relevant comments received not later than July 26, 1973, will be considered. Receipt of comments will be acknowledged, but the Emission Standards and Engineering Division will not provide substantive response to individual comments. The standards, modified if and as the Administrator deems appropriate after consideration of comments, will be promulgated no later than September 10, 1973, as required by the act. Comments received will be available for public inspection at the Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of sections 111 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 9).

Dated June 1, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

It is proposed to amend part 60 of chapter I, title 40, of the Code of Federal Regulations as follows:

1. Section 60.2 is amended by deleting the words "binding agreement or" from paragraph (i) and by adding paragraphs (p), (q), (r) and (s). As amended, § 60.2 reads as follows:

§ 60.2 Definitions.

* * * * *

(i) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

* * * * *

(p) "Reference method" means a method of sampling and analyzing for an air pollutant, as described in the appendix to this part.

(q) "Equivalent method" means any method of sampling and analyzing for an air pollutant which is demonstrated to the Administrator's satisfaction to have a consistent and quantitative relationship to the reference method under specified conditions.

(r) "Alternative method" means a method which does not meet all the criteria for equivalency by which has been demonstrated to the Administrator's satisfaction to, in specific cases, produce results adequate for his determination of compliance.

(s) "Nm^3" means dry cubic meters at normal conditions.

2. In § 60.3, new abbreviations are added as follows:

§ 60.3 Abbreviations.

* * * * *

sec—second.
ppm—parts per million.
H_2O—water.
CO—carbon monoxide.
mv—millivolt.
N_2—nitrogen.
C or °C—degree centigrade.
F or °F—degree Fahrenheit.
R or °R—degree Rankine.
K or °K—degree Kelvin.
ppb—parts per billion.
HCl—hydrochloric acid.
CdS—cadmium sulfide.
mol. wt—molecular weight.
dscf—dry standard cubic feet.
eq—equivalents.
meq—milliequivalents.
g eq—gram equivalents.
O_2—oxygen.
H_2S—hydrogen sulfide.
m—meter.
m^2—square meter.
m^3—cubic meter.
N—standard or normal conditions.

3. Section 60.4 is revised to read as follows:

§ 60.4 Address.

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate and addressed to the appropriate Regional Office of the Environmental Protection Agency, to the attention of the Director, Enforcement Division. The regional offices are as follows:

Region I (Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont), John F. Kennedy Federal Bldg., Boston, Mass. 02203.
Region II (New York, New Jersey, Puerto Rico, Virgin Islands), Federal Office Bldg., 26 Federal Plaza (Foley Square), New York, N.Y. 10007.
Region III (Delaware, District of Columbia, Pennsylvania, Maryland, Virginia, West Virginia), Curtis Bldg., Sixth and Walnut Sts., Philadelphia, Pa. 19106.
Region IV (Alabama, Florida, Georgia, Mississippi, Kentucky, North Carolina, South Carolina, Tennessee), suite 300, 1421 Peachtree St., Atlanta, Ga. 30309.
Region V (Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin), 1 North Wacker Dr., Chicago, Ill. 60606.
Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, Texas), 1600 Patterson St., Dallas, Tex. 75201.
Region VII (Iowa, Kansas, Missouri, Nebraska), 1735 Baltimore St., Kansas City, Mo. 64108.
Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), 916 Lincoln Towers, 1860 Lincoln St., Denver, Colo. 80203.
Region IX (Arizona, California, Hawaii, Nevada, Guam, American Samoa), 100 California St., San Francisco, Calif. 94111.
Region X (Washington, Oregon, Idaho, Alaska), 1200 Sixth Ave., Seattle, Wash. 98101.

4. In § 60.8, paragraph (b) is revised to read as follows:

§ 60.8 Performance tests.

* * * * *

(b) Performance tests shall be conducted and data reduced in accordance with the procedures contained in the applicable reference test method appended to this part unless the Administrator (1) approves the use of an equivalent method, (2) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, or (3) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the affected facility is being operated in compliance with the standard. Nothing in this subparagraph shall be construed to abrogate the Administrator's authority to require testing under section 114 of the act.

* * * * *

5. Subparts I, J, K, L, M, N, and O are added, as follows:

Subpart I—Standards of Performance for Asphalt Concrete Plants

Sec.
60.90 Applicability and designation of affected facility.
60.91 Definitions.
60.92 Standard for particulate matter.
60.93 Emission records.
60.94 Test methods and procedures.

AUTHORITY.—Secs. 111 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 9).

Subpart I—Standards of Performance for Asphalt Concrete Plants

§ 60.90 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in asphalt concrete plants: Dryers, hot aggregate elevators, screening (classifying systems, hot aggregate storage systems, hot aggregate weighing systems, asphalt concrete mixing systems, mineral filler loading systems, transfer and storage systems, and the loading, transfer, and storage systems which are associated with emission control systems.

§ 60.91 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the act and in subpart A of this part.

(a) "Asphalt concrete plant" means any facility manufacturing asphalt concrete by heating and drying aggregate and mixing with asphalt cements.

(b) "Particulate matter" means any finely divided liquid or solid material, other than uncombined water, as measured by method 5.

§ 60.92 Standard for particulate matter.

On and after the date on which the performance test required to be conducted by § 60.8 is initiated, but no later than 180 days after initial startup, no owner or operator subject to the provisions of this part shall discharge or cause the discharge of gases into the atmosphere from any affected facility which:

(a) Contain particulate matter in excess of 70 mg/N m^3 (0.031 gr/dscf).

(b) Exhibit 10 percent opacity, or greater, except for 2 minutes in any one hour. Where the presence of uncombined water is the only reason for failure to meet the requirements of this subparagraph, such failures shall not be a violation of this section.

§ 60.93 Emission records.

The owner or operator of any affected facility subject to the provisions of the subpart shall maintain a file of any particulate matter emission measurements. The record(s) shall be retained for at least 2 years following the dates on which the tests were conducted.

§ 60.94 Test methods and procedures.

(a) The provisions of this section apply to performance tests for determining compliance with the standard prescribed by § 60.92.

(b) All performance tests shall be conducted while the affected facility being tested is operating at or above the maximum production rate at which such facility will be operated and/or under such other conditions as the Administrator shall specify in order to achieve valid test results.

(c) Compliance with the standard shall be determined by sampling and observing undiluted gases. If air or other gaseous diluent is added prior to a sampling or observation point, the owner or operator shall determine the amount of dilution by a means acceptable to the Administrator.

(d) The reference methods for conducting performance tests are appended to this part.

(1) Method 5 shall be used for determining concentration of particulate matter and moisture, method 1 for traversing, method 2 for determining the volumetric flow rate, and method 3 for gas analysis. The sampling time shall be not less than 60 minutes and not more than 150 minutes, and the minimum sampling rate shall be 0.9 dry standard cubic meter per hour (0.53 dscfm).

Subpart J—Standards of Performance for Petroleum Refineries

AUTHORITY.—Secs. 111 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 9).

Subpart J—Standards of Performance for Petroleum Refineries

§ 60.100 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in petroleum refineries: Fluid catalytic cracking unit catalyst regenerators, process heaters, boilers, and waste gas disposal systems.

§ 60.101 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the act and in subpart A of this part.

(a) "Petroleum refinery" means any facility in which crude petroleum is refined, processed, or otherwise undergoes a chemical or physical change.

(b) "Crude petroleum" means a mixture consisting of hydrocarbons and/or sulfur, nitrogen and/or oxygen derivatives of hydrocarbons, which is usually naturally occurring and removed from the earth in the liquid state.

(c) "Hydrocarbon" means any material containing carbon and hydrogen.

(d) "Process gas" means a gaseous mixture of hydrocarbons produced by a refinery process unit.

(e) "Fuel gas" means process gas and/or natural gas or any other gaseous mixture which will support combustion, but does not include stack gases from fluid catalytic cracking unit catalyst regenerators.

(f) "Particulate matter" means any finely divided liquid or solid material, other than uncombined water, as measured by method 5.

(g) "Refinery process unit" means any segment of the petroleum refinery in which a specific processing operation is conducted.

(h) "Waste gas disposal system" means any grouping of equipment or contrivances used to burn or otherwise vent process gas to the atmosphere but does not include facilities where conversion to sulfur or sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur compounds and does not include equipment subject to subpart H of this part.

§ 60.102 Standard for particulate matter.

(a) On or after the date on which the performance test required to be conducted by § 60.8 is initiated but no later than 180 days after initial startup, no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere from the fluid catalytic cracking unit catalyst regenerator any gases which:

(1) Contain particulate matter in excess of 50 mg/N m^3 (0.022 gr/dscf).

(2) Exhibit 20 percent opacity or greater, except for 3 minutes in any one hour. Where the presence of uncombined water is the only reason for failure to meet the requirements of this subparagraph, such failure shall not be a violation of this section.

(b) In those instances where auxiliary liquid or solid fuels are burned in an incinerator-waste heat boiler, particulate matter in excess of that allowed by paragraph (a)(1) of this section may be emitted to the atmosphere except that the incremental rate of particulate emissions shall not exceed 0.18 g/million calories (0.10 lb per million Btu) of heat input attributable to such liquid or solid fuel.

§ 60.103 Standard for carbon monoxide.

On or after the date on which the performance test required to be conducted by § 60.8 is initiated but no later than 180 days after initial startup, no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere from the fluid catalytic cracking unit catalyst regenerator any gases which contain CO in excess of 0.050 percent by volume.

§ 60.104 Standard for sulfur dioxide.

(a) On or after the date on which the performance test required to be conducted by § 60.8 is initiated but no later than 180 days after initial startup, no owner or operator subject to the provisions of this part shall burn, in any affected facility subject to the provisions of this subpart, or release to the atmosphere any process gas which contains H_2S in excess of 230 mg/N m^3 (0.10 gr/dscf) of fuel gas, except as provided in paragraph (b) of this section.

(b) The owner or operator may elect to treat gases resulting from the combustion of any process gas in a manner which prevents the release of SO_2 to the atmosphere as effectively as compliance with the requirements of paragraph (a) of this section.

§ 60.105 Emission monitoring.

(a) The owner or operator of any petroleum refinery subject to the provisions of this subpart shall install, calibrate, maintain, and operate gas concentration or other monitoring instruments as applicable:

(1) A photoelectric or other type smoke detector and recorder to continuously monitor the opacity of particulate matter released to the atmosphere.

(2) An instrument for continuously monitoring and recording the concentration of CO in gases released to the atmosphere from fluid catalytic cracking unit catalyst regenerators except where compliance is achieved through the combustion of CO and O_2 concentration and temperature are monitored in accordance with paragraph (a)(3) of this section.

(3) Instruments for continuously monitoring and recording firebox temperature and O_2 content of the exhaust gas from any CO combustion device except where the requirements for paragraph (a)(2) of this section are met.

(4) An instrument for continuously monitoring and recording concentrations of H_2S in process gases burned in any

affected facility except where the requirements of § 60.104(b) are met.

(5) An instrument for continuously monitoring and recording concentrations of SO_2 in process gas combustion gases from any affected facility except where the requirements of § 60.104(a) are met.

(b) Instruments and sampling systems installed and used pursuant to this section shall meet specifications prescribed by the Administrator and each instrument shall be calibrated in accordance with the method prescribed by the manufacturer of such instrument. The instruments shall be subjected to the manufacturers' recommended zero adjustment and calibration procedures at least once per 24-hour-operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed.

(c) Production rate and hours of operation for any fluid catalytic cracking unit catalyst regenerator shall be recorded daily.

(d) The owner or operator of any petroleum refinery subject to the provisions of this part shall maintain a file of all measurements required by this part and any particulate matter emission measurements. Appropriate measurements shall be reduced to the units of the applicable standard daily and summarized monthly. The record of any such measurements and summary shall be retained for at least 2 years following the date of such measurements and summaries.

§ 60.106 Test methods and procedures.

(a) The provisions of this section apply to performance tests for determining compliance with the standards prescribed by §§ 60.102, 60.103, and 60.104.

(b) All performance tests shall be conducted while the affected facility being tested is operating at or above the maximum production rate at which such facility will be operated and/or under such other conditions as the Administrator shall specify in order to achieve valid test results.

(c) Compliance with the standard shall be determined by sampling and observing undiluted gases. If air or other gaseous diluent is added prior to a sampling or observation, the owner or operator shall determine the amount of dilution by a means acceptable to the Administrator.

(d) The reference methods for conducting performance tests are appended to this part.

(1) Method 5 shall be used for determining concentration of particulate matter and moisture. The sampling time shall be not less than 60 minutes and not more than 150 minutes, and the minimum sampling rate shall be 0.9 dry standard cubic meter per minute (0.53 dscfm).

(2) Method 10 shall be used for determining concentration of CO. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The sampling time shall be not less than 60 minutes and not more than 150 minutes.

(3) Method 6 shall be used for determining concentration of SO_2, except that H_2S concentration of the fuel gas may be determined instead. Method 4 shall be used to determine moisture content. The sampling site shall be the same as for determining volumetric flow rate. The sampling point in the duct shall be at the centroid of the cross section if the cross-sectional area is less than 5 m^2 (54 ft^2) or at a point no closer to the walls than 1 m (29 inches) if the cross sectional area is 5 m^2 or more. The sample shall be extracted at a rate proportional to the gas velocity at the sampling point. The sampling time shall be no less than 20 minutes and no more than 60 minutes, and minimum sampling volume shall be 0.02m^3 (0.71 ft^3) corrected to standard conditions. Two samples shall constitute one repetition and shall be taken at 1-hour intervals.

(4) Method 11 shall be used for determining the concentration of H_2S in fuel gas. The sampling site and point shall be located at the centroid of the fuel gasline. For refinery fuel gaslines operating at pressures substantially above atmospheric pressure, the sample must be reduced to nominally atmospheric pressure before attempting to introduce the sample into the train. This may be done with a flow control valve. If the pressure is high enough to operate the train without a vacuum pump, the pump may be eliminated from the train. The sampling rate shall not exceed 0.084 N m^3h (3 scfh). Four samples shall be taken at intervals of at least 30 minutes for a sampling time of not less than 60 minutes and not more than 150 minutes.

(5) Traversing shall be conducted according to method 1, and method 2 shall be used to determine volumetric flow rate of the total effluent. Method 3 shall be used for gas analysis whenever tests using method 5, 6, or 10 are conducted.

Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids

Sec.

AUTHORITY.—Secs. 111 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 9).

Subpart K—Standards of Performance for Storage Vessels for Petroleum Liquids

§ 60.110 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each storage vessel for petroleum liquids of more than 245,000 l (65,000 gal) capacity, which is the affected facility.

§ 60.111 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the act and in subpart A of this part.

(a) "Storage vessel" means any tank, reservoir or container used for the storage of petroleum liquids, but does not include underground tanks.

(b) "Petroleum liquids" means crude petroleum or any derivative thereof.

(c) Crude petroleum" means a mixture consisting of hydrocarbons and/or sulfur, nitrogen and/or oxygen derivatives of hydrocarbons, which is usually naturally occurring and removed from the Earth in the liquid state.

(d) "Petroleum distillate" means finished and intermediate products which are manufactured in crude petroleum processing and refining operations.

(e) "True vapor pressure" means the equilibrium pressure exerted by a hydrocarbon at any given temperature.

(f) "Hydrocarbon" means any material containing carbon and hydrogen.

(g) "Floating roof" means a double deck or flexible single deck pontoon type storage vessel cover, which rests upon and is supported by the petroleum liquid being contained.

(h) "Vapor recovery system" means a vapor gathering system capable of collecting hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere.

(i) "Conservation vent" means a breather valve or pressure-vacuum relief valve used as an accessory for a vent opening.

§ 60.112 Standard for hydrocarbons.

No owner or operator subject to the provisions of this part shall place, hold, or store in a storage vessel any petroleum liquid which has a true vapor pressure (under actual storage conditions) during such storage which is:

(a) 78 mm Hg (1.52 lb/in^2a) or less unless the storage vessel is equipped with a conservation vent or its equivalent.

(b) In excess of 78 mm Hg (1.52 lb/in^2a) but not greater than 570 mm Hg (11.1 lb/in^2a) unless the storage vessel is equipped with a floating roof or its equivalent.

(c) In excess of 570 mm Hg (11.1 lb/in^2a) unless the storage vessel is equipped with a vapor recovery system or its equivalent.

§ 60.113 Monitoring of operations.

(a) The owner or operator of any storage vessel subject to the provisions of this part shall maintain a file of daily petroleum liquid transfer, bulk petroleum liquid temperature, and petroleum liquid true vapor pressure at the bulk liquid temperature. The type of petroleum liquid, quantity transferred, bulk temperature, and true vapor pressure shall be summarized monthly. The record(s) and summary shall be retained for at least 2 years following the date of such records and summaries. This requirement shall not apply to:

(1) Petroleum liquids which have a true vapor pressure at actual storage conditions of 26 mm Hg (0.5 lb/in^2a) or less or

(2) Petroleum liquids which have a true vapor pressure at actual storage conditions between 100 and 470 mm Hg inclusively (1.94 and 9.1 lb/in²a).

(b) The true vapor pressure at the bulk liquid temperature shall be determined in accordance with American Petroleum Institute Bulletin 2517, Evaporation Loss from Floating Roof Tanks.

§ 60.114 Storage vessel maintenance.

No owner or operator subject to the provisions of this part shall place, hold, or store in a storage vessel any petroleum liquid which has a true vapor pressure at actual storage conditions which is in excess of 78 mm Hg (1.52 lb/in²a) unless:

(a) It is painted and maintained so as to prevent excessive temperature and vapor pressure increases,

(b) The seals on any floating roof are maintained so as to minimize emissions, and

(c) All gaging and sampling devices are gas-tight except when gaging or sampling is taking place.

Subpart L—Standards of Performance for Secondary Lead Smelters

AUTHORITY.—Secs. 111 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 9).

Subpart L—Standards of Performance for Secondary Lead Smelters

§ 60.120 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in secondary lead smelters: blast (cupola) furnaces, reverberatory furnaces, and pot furnaces of more than 250 kg (550 lb) charging capacity.

§ 60.121 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the act and in subpart A of this part.

(a) "Reverberatory furnace" means any stationary, rotating, rocking, or tilting type reverberatory furnaces.

(b) "Secondary lead smelter" means any facility producing lead from a lead-bearing scrap material by smelting to the metallic form.

(c) "Lead" means elemental lead or alloys in which the predominating component is lead.

(d) "Particulate matter" means any finely divided liquid or solid material, other than uncombined water, as measured by method 5.

§ 60.122 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is initiated but no later than 180 days after initial startup, no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere from a blast (cupola) or reverberatory furnace any gases which:

(1) Contain particulate matter in excess of 50 mg/Nm³ (0.022 gr/dscf).

(2) Exhibit 20 percent opacity or greater except for 2 minutes in any one hour.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is initiated but no later than 180 days after initial startup, no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere from any pot furnace any gases which exhibit 10 percent opacity or greater except for 2 minutes in any one hour.

(c) Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraph (a) (2) or (b) of this section, such failure shall not be a violation of this section.

§ 60.123 Emission records.

The owner or operator of any furnace subject to the provisions of this subpart shall maintain a file of all measurements required by this subpart. The record of any such measurements and summary shall be retained for at least 2 years following the date of such measurements and summaries.

§ 60.124 Test methods and procedures.

(a) The provisions of this section apply to performance tests for determining compliance with the standard prescribed by § 60.162.

(b) All performance tests shall be conducted while the affected facility being tested is operating at or above the maximum production rate at which such facility will be operated and/or under such other conditions as the Administrator shall specify in order to achieve valid test results.

(c) Compliance with the standard shall be determined by sampling or observing undiluted gases. If air or other gaseous diluent is added prior to a sampling or observation point, the owner or operator shall determine the amount of dilution by a means acceptable to the Administrator.

(d) The reference methods for conducting performance tests are appended to this part.

(1) Method 5 shall be used for determining concentration of particulate matter and moisture, method 1 for traversing, method 2 for determining the volumetric flow rate, and method 3 for analysis. The sampling time shall be not less than 60 minutes and not more than 150 minutes, and the minimum sampling rate shall be 0.9 dry standard cubic meter per hour (0.53 dscfm).

Subpart M—Standards of Performance for Secondary Brass and Bronze Ingot Production Plants

AUTHORITY.—Secs. 111 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 9).

Subpart M—Standards of Performance for Secondary Brass and Bronze Ingot Production Plants

§ 60.130 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in secondary brass or bronze ingot production plants: Reverberatory and electric furnaces of 1,000 kg (2,205 lb) or greater production capacity and blast (cupola) furnaces of 250 kg/h (550 lb/h) or greater production capacity.

§ 60.131 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the act and in subpart A of this part.

(a) "Brass and bronze" means any metal alloy containing copper as its predominant constituent, and lesser amounts of zinc, tin, lead, or other metals.

(b) "Reverberatory furnace" means any stationary, rotating, rocking or tilting type reverberatory furnace.

(c) "Electric furnace" means any furnace which uses electricity to produce over 50 percent of the heat required in the production of refined brass or bronze.

(d) "Blast furnace" means any furnace used to recover metal from slag.

(e) "Particulate matter" means any finely divided liquid or solid material, other than uncombined water, as measured by method 5.

§ 60.132 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is initiated but no later than 180 days after initial startup, no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere from a reverberatory furnace any gases which:

(1) Contain particulate matter in excess of 50 mg/N m³ (0.022 gr/dscf).

(2) Exhibit 10 percent opacity or greater except for 2 minutes in any one hour.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is initiated but no later than 180 days after initial startup, no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere from a blast (cupola) or electric furnace any gases which exhibit 10 percent opacity or greater except for 2 minutes in any one hour.

(c) Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraphs (a) (2) or (b) of this section, such failure shall not be a violation of this section.

§ 60.133 Emission records.

The owner or operator of any affected facility subject to the provisions of this

part shall maintain a file of any particulate matter emission measurements. The record(s) shall be retained for at least 2 years following the dates on which the tests were conducted.

§ 60.134 Test methods and procedures.

(a) The provisions of this section apply to performance tests for determining compliance with the standard prescribed by § 60.132.

(b) All performance tests shall be conducted while the affected facility being tested is operating at or above the maximum production rate at which such facility will be operated and/or under such other conditions as the Administrator shall specify in order to achieve valid test results.

(c) Compliance with the standard shall be determined by sampling and observing undiluted gases. If air or other gaseous diluent is added prior to a sampling or observation, the owner or operator shall determine the amount of dilution by a means acceptable to the Administrator.

(d) The reference methods for conducting performance tests are appended to this part.

(1) Method 5 shall be used for determining concentration of particulate matter and moisture, method 1 for traversing, method 2 for determining the volumetric flow rate, and method 3 for gas analysis. The sampling time shall be not less than 60 minutes and not more than 150 minutes, and the minimum sampling rate shall be 0.9 dry standard cubic meter per hour (0.53 dscfm).

Subpart N—Standards of Performance for Iron and Steel Plants

Sec.
60.140 Applicability and designation of affected facility.
60.141 Definitions.
60.142 Standard for particulate matter.
60.143 Emission monitoring.
60.144 Test methods and procedures.

AUTHORITY.—Secs. 111 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 9).

Subpart N—Standards of Performance for Iron and Steel Plants

§ 60.140 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each basic oxygen process furnace, which is the affected facility.

§ 60.141 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the act and in subpart A of this part.

(a) "Basic oxygen process furnace" (BOPF) means any furnace producing steel by charging scrap steel, hot metal, and flux materials into a vessel and introducing a high volume of an oxygen-rich gas.

(b) "Heat" means the quantity of steel produced in one batch.

(c) "Particulate matter" means any finely divided liquid or solid material, other than uncombined water, as measured by method 5.

§ 60.142 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is initiated but no later than 180 days after initial startup, no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere from any affected facility any gases which:

(1) Contain particulate matter in excess of 50 mg/Nm³ (0.022 gr/dscf).

(2) Exhibit 10 percent opacity or greater, except for 2 minutes in any one hour. Where the presence of uncombined water is the only reason for failure to meet the requirements of this subparagraph, such failure shall not be a violation of this section.

§ 60.143 Emission monitoring.

(a) The owner or operator of any affected facility subject to the provisions of this subpart shall install, calibrate, maintain, and operate a photoelectric or other type smoke detector and recorder to continuously monitor the opacity of particulate matter released to the atmosphere and shall retain the records for at least 2 years from the dates on which the data were recorded.

(b) The instrument installed and used pursuant to this section shall meet specifications prescribed by the Administrator and shall be calibrated in accordance with the method(s) prescribed by the manufacturer of such instrument. The instrument shall be subjected to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed.

(c) The owner or operator of any BOPF subject to the provisions of this part shall maintain a file of any particulate matter emission measurements. The record(s) shall be retained for at least 2 years from the dates on which the tests were conducted.

§ 60.144 Test methods and procedures.

(a) The provisions of this section apply to performance tests for determining compliance with the standard prescribed by § 60.142.

(b) All performance tests shall be conducted while the affected facility being tested is operating at or above the maximum production rate at which such facility will be operated and/or under such other conditions as the Administrator shall specify in order to achieve valid test results.

(c) Compliance with the standard shall be determined by sampling and observing undiluted gases. If air or other gaseous diluent is added prior to a sampling or observation point, the owner or operator shall determine the amount of dilution by a means acceptable to the Administrator.

(d) The reference methods for conducting performance tests are appended to this part.

(1) Method 5 shall be used for determining concentration of particulate matter and moisture, method 1 for traversing, method 2 for determining the volumetric flow rate, and method 3 for gas analysis. The minimum total sampling time shall be four heats, and the minimum sampling rate shall be 0.9 dry standard cubic meter per hour (0.53 dscfm). Sampling shall start at the beginning of each scrap preheat or oxygen blow and shall terminate immediately prior to tapping.

Subpart O—Standards of Performance for Sewage Treatment Plants

Sec.
60.150 Applicability and designation of affected facility.
60.151 Definitions.
60.152 Standard for particulate matter.
60.153 Emission records.
60.154 Test methods and procedures.

AUTHORITY.—Secs. 111 and 114 of the Clean Act, as amended (42 U.S.C. 1857c-6 and 9).

Subpart O—Standards of Performance for Sewage Treatment Plants

§ 60.150 Applicability and designation of affected facility.

The provisions of this subpart are applicable to each sewage sludge incinerator, which is the affected facility.

§ 60.151 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the act and in subpart A of this part.

(a) "Sewage sludge incinerator" means any combustion device used in the process of burning sewage sludge for the primary purpose of solids sterilization and to reduce the volume of waste by removing combustible matter, but does not include portable facilities or facilities used solely for burning scum or other floatable materials, recalcining lime, or regenerating activated carbon.

(b) "Sewage sludge" means the solid waste byproduct of municipal sewage treatment processes, including any solids removed in any unit operation of such treatment process.

(c) "Sewage treatment plant" means any arrangement of devices and structures for the treatment of sewage and all appurtenances used for treatment and disposal of sewage and other waste byproducts.

(d) "Sewage" means the spent water of a community consisting of a combination of liquid- and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

(e) "Particulate matter" means any finely divided liquid or solid material, other than uncombined water, as measured by method 5.

§ 60.152 Standard for particulate matter.

On or after the date on which the performance test required to be conducted by § 60.8 is initiated but no later than 180

days after initial startup, no owner or operator subject to the provisions of this part shall discharge or cause the discharge into the atmosphere any gases which:

(a) Contain particulate matter in excess of 70 mg/Nm³ (0.031 gr/dscf).

(b) Exhibit 10 percent opacity or greater, except for 2 minutes in any one hour. Where the persence of uncombined water is the only reason for failure to meet the requirements of this subparagraph, such failure shall not be a violation of this section.

§ 60.153 Emission records.

The owner or operator shall maintain a file of all measurements required by this subpart. The record of any such measurement and summary shall be retained at least 2 years following the date of such measurements and summaries.

§ 60.154 Test methods and procedures.

(a) The provisions of this section apply to performance tests for determining compliance with the standard prescribed by § 60.152.

(b) All performance tests shall be conducted while the affected facility being tested is operating at or above the maximum sludge charging rate at which such facility will be operated and burning sewage sludge representative of normal operation, and/or under such other conditions as the Administrator shall specify in order to achieve valid representative test results.

(c) Compliance with the standard shall be determined by sampling and observing undiluted gases. If air or other gaseous diluent is added prior to a sampling or observation point, the owner or operator shall determine the amount of dilution by a means acceptable to the Administrator.

(d) The reference methods for conducting performance tests are appended to this part.

(1) Method 5 shall be used for determining concentration of particulate matter and moisture, method 1 for traversing, method 2 for determining the volumetric flow rate, and method 3 for gas analysis. The sampling time shall be not less than 60 minutes and not more than 150 minutes, and the minimum sampling rate shall be 0.9 dry standard cubic meter per hour (0.53 dscfm).

6. The appendix is amended by adding method 10 and method 11 as follows:

METHOD 10.—DETERMINATION OF CARBON MONOXIDE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and Applicability.*—1.1 *Principle.*—An integrated or grab gas sample is extracted from a sampling point and analyzed for carbon monoxide (CO) content using a nondispersive infrared analyzer (NDIR) or equivalent.

1.2 *Applicability.*—This method is applicable for the determination of carbon monoxide emissions from stationary sources only when specified by the test procedures for determining compliance with new source performance standards. The test procedure will indicate whether a grab or an integrated sample is to be used.

2. *Range and sensitivity.*—2.1 *Range.*—0 to 1,000 ppm. 2.2 *Sensitivity.*—Minimum detectable concentration is 20 ppm for a 0 to 1,000 ppm span.

3. *Interferences.*—3.1 Any substance having a strong absorption of infrared energy will interfere to some extent. For example, discrimination ratios for water (H_2O) and carbon dioxide (CO_2) are 3.5 percent H_2O per 7 ppm CO and 10 percent CO_2 per 10 ppm CO, respectively, for devices measuring in the 1,500 to 3,000 ppm range. For devices measuring in the 0 to 100 ppm range, interference ratios can be as high as 3.5 percent H_2O per 25 ppm CO and 10 percent CO_2 per 50 ppm CO. The use of silica gel and ascarite traps will alleviate the major interference problems. The measured gas volume must be corrected if these traps are used.

4. *Precision and accuracy.*—4.1 *Precision.*—The precision of most NDIR analyzers is approximately ±2 percent of span.

4.2 *Accuracy.*—The accuracy of most NDIR analyzers is approximately ±5 percent of span after calibration.

5. *Apparatus.*—5.1 Grab sample (fig. 10–1).

5.1.1 *Probe.*—Stainless steel or sheathed Pyrex[1] glass, equipped with a filter to remove particulate matter.

5.1.2 *Air-cooled condenser or equivalent.*—To remove any excess moisture.

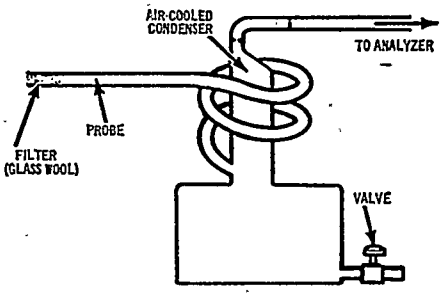

Figure 10-1. Grab-sampling train.

5.2 *Integrated sample (fig. 10–2).*—5.2.1 *Probe.*—Stainless steel or sheathed Pyrex glass, equipped with a filter to remove particulate matter.

5.2.2 *Air cooled condenser or equivalent.*—To remove any excess moisture.

5.2.3. *Valve.*—Needle valve, or equivalent, to adjust flow rate.

5.2.4 *Pump.*—Leak-free, diaphragm type, or equivalent, to transport gas.

5.2.5 *Rate meter.*—Rota meter, or equivalent, to measure a flow range from 0 to 1.0 lpm (0.035 CFM).

5.2.6. *Flexible bag.*—Tedlar, or equivalent, with a capacity of 60 to 90 liters (2 to 3 ft³). Leak test the bag in the laboratory before using by evacuating bag with a pump followed by a dry gas meter. When evacuation is complete, there should be no flow through the meter.

5.2.7 *Pilot tube.*—Type S, or equivalent, attached to the probe so that the sampling rate can be regulated proportional to the stack gas velocity when velocity is varying with the time or a sample traverse is conducted.

[1] Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

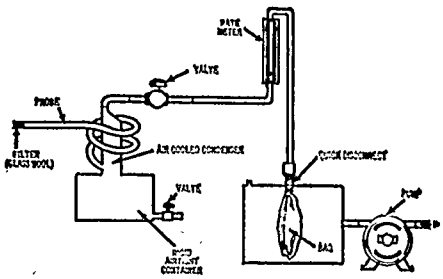

Figure 10-2. Integrated gas-sampling train.

5.3 Analysis (fig. 10–3).

5.3.1 *Carbon monoxide analyzer.*—Nondispersive infrared spectrometer, or equivalent. This instrument should be demonstrated, preferably by the manufacturer, to meet or exceed manufacturers specifications and those described in this method.

5.3.2 *Drying tube.*—To contain approximately 200 g of silica gel.

5.3.3 *Calibration gas.*—Refer to paragraph 6.1.

5.3.4 *Filter.*—As recommended by NDIR manufacturer.

5.3.5 *CO_2 removal tube.*—To contain approximately 500 g of ascarite.

5.3.6 *Ice water bath.*—For ascarite and silica gel tubes.

5.3.7 *Valve.*—Needle valve, or equivalent, to adjust flow rate.

5.3.8 *Rate meter.*—Rotameter or equivalent to measure gas flow rate of 0 to 1.0 lpm (0.035 CFM) through NDIR.

5.3.9 *Recorder (optional).*—To provide permanent record of NDIR readings.

5.3.10 *Orsat analyzer, or equivalent.*

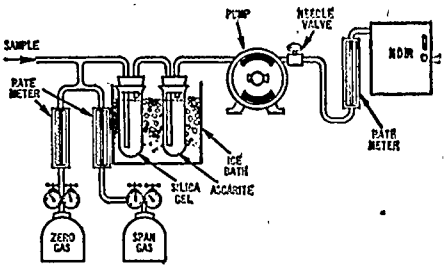

Figure 10-3. Analytical equipment.

6. *Reagents.*—6.1 *Calibration gases.*—Known concentration of CO nitrogen (N_2) for instrument span, prepurified grade of N_2 for zero, and two additional concentrations corresponding approximately to 60 percent and 30 percent span. The span concentration shall not exceed 1.5 times the applicable source performance standard.

6.2 *Silica gel.*—Indicating type, 6 to 16 mesh, dried at 177 (350° F) for 2 hours.

6.3 *Ascarite.*—Commercially available.

7. *Procedure.*—7.1 *Sampling.*—7.1.1 *Grab sampling.*—Set up the equipment as shown in figure 10–1 making sure all connections are leak free. Place the probe in the stack at a sampling point and purge the sampling line. Connect the analyzer and draw sample into the analyzer. Allow 5 minutes for the system to stabilize and record the analyzer reading. (See §§ 7.2 and 8). Determine CO_2 content of the gas using the method 3 grab sample procedure (36 FR 24886).

7.1.2 *Integrated sampling.*—Evacuate the flexible bag. Set up the equipment as shown in figure 10–2 with the bag disconnected. Place the probe in the stack and purge the sampling line. Connect the bag, making sure

that all connections are leak free. Sample at a rate proportional to the stack velocity. Determine the CO_2 content of the gas in the bag using the method 3 integrated sample procedure (36 FR 24886).

7.2 *CO Analysis.*—Assemble the apparatus as shown in figure 10–3, calibrate the instrument, and perform other required operations as described in paragraph 8. Purge sample with N_2 prior to introduction of each sample. Direct the sample stream through the instrument for the test period, recording the readings. Check the zero and span again after the test to assure that any drift or malfunction is detected. Record the sample data on table 10–1.

TABLE 10–1.—*Field data*

Location _____ Comments:
Test _____
Date _____
Operator _____

Clock time:	*Rotameter setting, 1 pm (ft³ min)*

8. *Calibration.*—Assemble the apparatus according to figure 10–3. Generally an instrument requires a warmup period before stability is obtained. Follow the manufacturer's instructions for specific procedure. Allow a minimum time of 1 hour for warmup. During this time check the sample conditioning apparatus, i.e., filter, condenser, drying tube, and CO_2 removal tube, to insure that each component is in good operating condition. Zero and calibrate the instrument according to the manufacturer's procedures using, respectively, nitrogen and the calibration gases.

9. *Calculations.*—9.1 *Concentration of carbon monoxide.*—Calculate the concentration of carbon monoxide in the stack using equation 10–1.

$$C_{CO_{stack}} = C_{CO_{NDIR}} (1 - F_{CO_2}) \quad \text{equation 10–1}$$

where:

$C_{CO_{stack}}$ = Concentration of CO in stack, ppm by volume (dry basis).
$C_{CO_{NDIR}}$ = Concentration of CO measured by NDIR analyzer, ppm by volume (dry basis).
F_{CO_2} = Volume fraction of CO_2 in sample, i.e., percent CO_2 from Orsat analysis divided by 100.

10. *Bibliography.*—The Intertech NDIR–CO Analyzer by Frank McElroy. Presented at the 11th Methods Conference in Air Pollution, University of California, Berkeley, Calif., Apr. 1, 1970.

Jacobs, M. B., et al., JAPCA *9*, No. 2, 110–114, Aug. 1959.

MSA LIRA Infrared Gas and Liquid Analyzer Instruction Book, Mine Safety Appliances Co., Pittsburgh, Pa.

Beckman Instruction 1635B, Models 215A, 315A, and 415A Infrared Analyzers, Beckman Instrument Co., Fullerton, Calif.

Continuous CO Monitoring System, Model A 5611, Intertech Corp., Princeton, N.J.

Bendix—UNOR Infrared Gas Analyzers. Ronceverte, W. Va.

ADDENDA

A. PERFORMANCE SPECIFICATIONS FOR NDIR CARBON MONOXIDE ANALYZERS

Range (minimum)	0–1,000 ppm.
Output (minimum)	0–10 mv.
Minimum detectable sensitivity.	20 ppm.
Rise time, 90 percent (maximum).	30 seconds.
Fall time, 90 percent (maximum).	Do.
Zero drift (maximum)	10% in 8 hours.
Span drift (maximum)	Do.
Precision (minimum)	±2% of full scale.
Noise (maximum)	±1% of full scale.
Linearity (maximum deviation).	2% of full scale.
Interference rejection ratio.	CO_2—1,000 to 1, H_2O—500 to 1.

B. DEFINITIONS OF PERFORMANCE SPECIFICATIONS

Range.—The minimum and maximum measurement limits.

Output.—Electrical signal which is proportional to the measurement; intended for connection to readout or data processing devices. Usually expressed as millivolts or milliamps full scale at a given impedance.

Full scale.—The maximum measuring limit for a given range.

Minimum detectable sensitivity.—The smallest amount of input concentration that can be detected as the concentration approaches zero.

Accuracy.—The degree of agreement between a measured value and the true value; usually expressed as ± percent of full scale.

Time to 90 percent response.—The time interval from a step change in the input concentration at the instrument inlet to a reading of 90 percent of the ultimate recorded concentration.

Rise time (90 percent).—The interval between initial response time and time to 90 percent response after a step increase in the inlet concentration.

Fall time (90 percent).—The interval between initial response time and time to 90 percent response after a step decrease in the inlet concentration.

Zero drift.—The change in instrument output over a stated time period, usually 24 hours, of unadjusted continuous operation when the input concentration is zero; usually expressed as percent full scale.

Span drift.—The change in instrument output over a stated time period, usually 24 hours, of unadjusted continuous operation when the input concentration is a stated upscale value; usually expressed as percent full scale.

Precision.—The degree of agreement between repeated measurements of the same concentration, expressed as the average deviation of the single results from the mean.

Noise.—Spontaneous deviations from a mean output not caused by input concentration changes.

Linearity.—The maximum deviation between an actual instrument reading and the reading predicted by a straight line drawn between upper and lower calibration points.

METHOD 11.—DETERMINATION OF HYDROGEN SULFIDE EMISSIONS FROM STATIONARY SOURCES

1. *Principle and applicability.*—1.1 *Principle.*—Hydrogen sulfide (H_2S) is collected from the source in a series of midget impingers and reacted with alkaline cadmium hydroxide [$Cd(OH)_2$] to form cadmium sulfide (CdS). The precipitated CdS is then dissolved in hydrochloric acid and absorbed in a known volume of iodine solution. The iodine consumed is a measure of the H_2S content of the gas.

1.2 *Applicability.*—This method is applicable for the determination of hydrogen sulfide emissions from stationary sources only when specified by the test procedures for determining compliance with the new source performance standards.

2. *Apparatus.*—2.1 *Sampling train.*—2.1.1 *Sampling line.*—0.64 cm (one-fourth inch) Teflon[1] tubing to connect sampling train to sampling valve, with provisions for heating to prevent condensation. A pressure reducing valve prior to the Teflon sampling line may be required depending on sampling stream pressure.

2.1.2 *Impingers.*—Four midget impingers, each with 30-ml capacity, or equivalent.

2.1.3 *Ice bath container.*—To maintain absorbing solution at a constant temperature.

2.1.4 *Silica gel drying tube.*—To protect pump and dry gas meter.

2.1.5 *Needle valve, or equivalent.*—To adjust gas flow rate.

2.1.6 *Pump.*—Leak free, diaphragm type, or equivalent, to transport gas. (Not required if sampling stream under positive pressure.)

2.1.7 *Dry gas meter.*—Sufficiently accurate to measure sample volume to within 1 percent.

2.1.8 *Rate meter.*—Rotameter, or equivalent, to measure a flow rate of 0 to 2.83 lpm (0.1 ft³/min).

2.1.9 *Graduated cylinder.*—25 ml.

2.1.10 *Barometer.*—To measure atmospheric pressure within ±2.5 mm (0.1 in.) Hg.

2.2 *Sample recovery.*—2.2.1 *Sample container.*—500-ml glass stoppered iodine number flask.

2.2.2 *Pipette.*—50-ml volumetric type.

2.2.3 *Beakers.*—250 ml.

2.2.4 *Wash bottle.*—Glass.

2.3 *Analysis.*—2.3.1 *Flask.*—500-ml glass stoppered iodine number flask.

2.3.2 *Burette.*—One 50 ml.

2.3.3 *Flask.*—125-ml. conical.

3. *Reagents.*—3.1 *Sampling.*—3.1.1 *Absorbing solution.*—Cadmium hydroxide (Cd $(OH)_2$). Mix 4.3 g cadmium sulfate hydrate ($3\,CdSO_4 \cdot 8H_2O$) and 0.3 g of sodium hydroxide (NaOH) in 1 liter of distilled water (H_2O). Mix well.

NOTE.—The cadmium hydroxide formed in this mixture will precipitate as a white suspension. Therefore, this solution must be thoroughly mixed before using to insure an even distribution of the cadmium hydroxide.

3.2 *Sample recovery.*—3.2.1 10 percent by weight hydrochloric acid solution (HCl)—Mix 230 ml of concentrated HCl (specific gravity 1.19) and 770 ml of distilled H_2O.

3.2.2 *Iodine Solution, 0.1 N.*—Dissolve 24 g potassium iodide (KI) in 30 ml of distilled H_2O in a 1-liter graduated cylinder. Weigh 12.7 g of resublimed iodine (I_2) into a weighing bottle and add to the potassium iodide solution. Shake the mixture until the iodine is completely dissolved. Slowly dilute the solution to 1 liter with distilled H_2O, with swirling. Filter the solution, if cloudy, and store in a brown glass-stoppered bottle.

3.2.3 *Standard Iodine Solution, 0.01 N.*—Dilute 100±0.01 ml of the 0.1 N iodine solution in a volumetric flask to 1 liter with distilled water.

Standardize daily as follows: Pipette 25 ml of the 0.01 N iodine solution into a 125-ml conical flask. Titrate with standard 0.01 N thiosulfate solution (see paragraph 3.3.2) until the solution is a light yellow. Add a few drops of the starch solution and continue titrating until the blue color just disappears.

[1] Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

From the results of this titration calculate the exact normality of the iodine solution (see paragraph 5.1).

3.2.4 *Distilled, deionized water.*—3.3 *Analysis.*—3.3.1 *Sodium thiosulfate solution, standard 0.1 N.*—For each liter of solution, dissolve 24.8 g of sodium thiosulfate ($Na_2S_2O_3 \cdot 5H_2O$) in distilled water and add 0.01 g of anhydrous sodium carbonate (Na_2CO_3) and 0.4 ml of chloroform ($CHCl_3$) to stabilize. Mix thoroughly by shaking or by aerating with nitrogen for approximately 15 minutes, and store in a glass-stoppered glass bottle.

Standardize frequently as follows: Weigh into a 500-ml volumetric flask about 2 g of potassium dichromate ($K_2Cr_2O_7$) weighed to the nearest milligram and dilute to the 500-ml mark with distilled H_2O. Use dichromate which has been crystallized from distilled water and oven-dried at 182° to 199° C (360° to 390° F.). Dissolve approximately 3 g of potassium iodide (KI) in 50 ml of distilled water in a glass-stoppered, 500-ml conical flask, then add 5 ml of 20-percent hydrochloric acid solution. Pipette 50 ml of the dichromate solution into this mixture. Gently swirl the solution once and allow it to stand in the dark for 5 minutes. Dilute the solution with 100 to 200 ml of distilled water, washing down the sides of the flask with part of the water. Swirl the solution slowly and titrate with the thiosulfate solution until the solution is light yellow. Add 4 ml of starch solution and continue with a slow titration with the thiosulfate until the bright blue color has disappeared and only the pale green color of the chromic ion remains. From this titration, calculate the exact normality of the sodium thiosulfate solution (see paragraph 5.2).

3.3.2 *Sodium thiosulfate solution, standard 0.01 N.*—Dilute 100 ±0.01 ml of the standard 0.1 N thiosulfate solution in a volumetric flask to 1 l with distilled water.

3.3.3 *Starch Indicator Solution.*—Suspend 10 g of soluble starch in 100 ml of distilled water and add 15 g of potassium hydroxide pellets. Stir until dissolved, dilute with 900 ml of distilled water, and let stand 1 hour. Neutralize the alkali with concentrated hydrochloric acid, using an indicator paper similar to Alkacid test ribbon, then add 2 ml of glacial acetic acid as a preservative.

Test for decomposition by titrating 4 ml of starch solution in 200 ml of distilled water with the 0.01 N iodine solution. If more than 4 drops of the 0.01 N iodine solution are required to obtain the blue color, make up a fresh starch solution.

4. *Procedure.*—4.1 Sampling.—4.1.1 Assemble the sampling train as shown in figure 11-1, connecting the 4 midget impingers in series. Place 15 ml of the absorbing solution in each of the first three impingers, leaving the fourth dry. Place crushed ice around the impingers. Add more ice during the run to keep the temperature of the gases leaving the last impinger at 21° C (70° F) or less.

4.1.2 Purge the connecting line between the sampling valve and the first impinger. Connect the sample line to the train. Record the initial reading on the dry gas meter as shown in table 11-1.

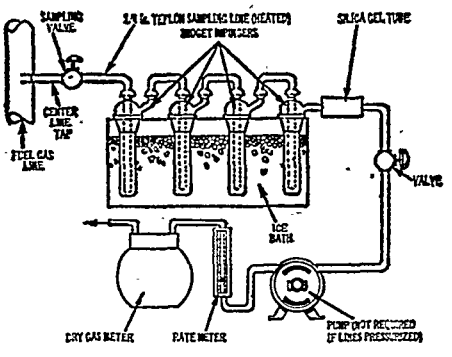

Figure 11-1. H_2S sampling train.

TABLE 11-1.—*Field data*

Location_____ Comments:
Test_____
Date_____
Operator_____
Barometric pressure_____

Clock time	Gas volume through meter (V_m), liters (ft³)	Rotameter setting, 1 pm (ft³/min)	Meter temperature, °C (°F)

4.1.3 Open the flow control valve and adjust the sampling rate to 1.13 lpm (0.04 cfm). Read the meter temperature and record on table 11-1.

4.1.4 Continue sampling for 10 minutes or until the yellow color of cadmium sulfide is visible in the third impinger. At the end of this time, close the flow control valve and read the final meter volume and temperature.

4.1.5 Disconnect the impinger train from the sampling line and cap the open ends. Remove to the sample clean-up area.

4.2 Sample Recovery.

4.2.1 Pipette 50 ml of 0.01 N iodine solution into a 250-ml beaker. Add 50 ml of 10 percent HCl to the solution. Mix well.

4.2.2 Carefully transfer the contents of all impingers to a 500-ml iodine number flask. Stopper the flask.

4.2.3 Rinse all impingers and connecting glassware with three portions of the acidified iodine solution. Use the entire 100 ml of acidified iodine for this purpose. Immediately after pouring the acidified iodine into an impinger, stopper it and shake for a few moments before transferring the rinse to the iodine number flask. Do not transfer any rinse portions from one impinger to another; transfer it directly to the iodine number flask. Once acidified iodine solution has been poured into any glassware containing cadmium sulfide sample the container must be tightly stoppered at all times except when adding more solution, and this must be done as quickly and carefully as possible. After adding any acidified iodine solution to the iodine number flask allow a few minutes for absorption of the H_2S into the iodine before adding any further rinses.

4.2.4 Follow this rinse with two more rinses using distilled water. Add the distilled water rinses to the iodine number flask. Stopper the flask and shake well. Allow about 30 minutes for absorption of the H_2S into the iodine, then complete the analysis titration.

CAUTION.—Keep the iodine number flask stoppered except when adding sample or titrant.

4.2.5 Prepare a blank in an iodine number flask using 45 ml of the absorbing solution, 50 ml of 0.01 N iodine solution, and 50 ml of 10 percent HCl. Stopper the flask, shake well and analyze with the samples.

4.3 Analysis.

NOTE.—This analysis titration should be conducted at the sampling location in order to prevent loss of iodine from the sample.

4.3.1 Titrate the solution in the flask with 0.01 N sodium thiosulfate solution until the solution is light yellow. Add 4 ml of the starch indicator solution and continue titrating until the blue color just disappears.

4.3.2 Titrate the blanks in the same manner as the samples.

5. *Calculation.*—5.1 *Normality of the standard iodine solution.*

$$N_T = \frac{N_T V_T}{V_I} \quad \text{equation 11-1}$$

where:

N_I = Normality of iodine, g-eq/liter.
V_I = Volume of iodine used, ml.
N_T = Normality of sodium thiosulfate, g-eq/liter.
V_T = Volume of sodium thiosulfate used, ml.

5.2 *Normality of the standard thiosulfate solution.*

$$N_T = 1.02 \frac{W}{V_T} \quad \text{equation 11-2}$$

where:

W = Weight of $K_2Cr_2O_7$ used, g.
V_T = Volume of $Na_2S_2O_3$ used, ml.
N_T = Normality of standard thiosulfate solution, g-eq/liter.

$1.02 = \text{conversion factor} = \frac{(3 \text{ eq } I_2/\text{mole } K_2CrO_7)\ (1{,}000 \text{ ml/l})}{(294.2 \text{ g } K_2Cr_2O_7/\text{mol})\ (10\text{e aliquot factor})}$.

5.3 *Dry gas volume.*—Correct the sample volume measured by the dry gas meter to standard conditions (21°C (70°F) and 760 mm (29.92 inches) Hg) by using equation 11-3.

$$V_{m_{std}} = V_m \left(\frac{I_{std}}{T_m}\right)\left(\frac{P_{Bar}}{P_{std}}\right) \quad \text{equation 11-3}$$

where:

$V_{m_{std}}$ = Volume of gas sample through the dry gas meter (standard conditions), 1 (scf).
V_m = Volume of gas sample through the dry gas meter (meter conditions), 1 (cu. ft.).
T_{std} = Absolute temperature at standard conditions, 294° K (530° R).
T_m = Average dry gas meter temperature, °K (°R).
P_{Bar} = Barometric pressure at the orifice meter, mm Hg.
P_{std} = Absolute pressure at standard conditions, 760 mm Hg.

5.4 Concentration of H_2S. Calculate the concentration of H_2S in the gas stream at standard conditions using equation 11-4.

$$C_{H_2S}=\frac{K[(V_IN_I)_{sample}-(V_IN_I-V_TN_T)_{blank}]}{V_{m_{std}}} \qquad \text{equation 11-4}$$

where (metric units):

C_{H_2S}=Concentration of H_2S at standard conditions (mg/Nm³)

K=Conversion factor=$17.0\times10^3=\frac{(34.07\ g/mole\ H_2S)\ (1{,}000\ l/m^3)\ (1000\ mg/g)}{(1{,}000\ ml/l)\ (2\ H_2S\ eq/mole)}$

V_I=Volume of standard iodine solution, ml.

N_I=Normality of standard iodine solution, g-eq/liter.

V_T=Volume of standard sodium thiosulfate solution, ml.

N_T=Normality of standard sodium thiosulfate solution, g-eq/liter.

$V_{m_{std}}$=Dry gas volume at standard conditions, liters.

Or

where (English units):

$K=0.263=\frac{17.0\ (15.43\ gr/g)}{(1{,}000\ l/m^3)}$

$V_{m_{std}}$=scf

C_{H_2S}=gr/dscf.

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6. *References.*—American Petroleum Institute, Determination of Hydrogen Sulfide, Ammoniacal Cadmium Chloride Method, API Method 772-54.

National Gas Processors Association, NGPA Publication 2265-65, Tentative Method for Determination of Hydrogen Sulfide and Mercaptan Sulfur in Natural Gas.

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Family Contribution Schedule

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Family Contribution Schedule

A proposal was published in the FEDERAL REGISTER on February 2, 1973 (38 FR 3228–3234), to issue as subparts C and D of part 190 of title 45 of the Code of Federal Regulations the Family Contribution Schedules for the basic Educational Opportunity Grant Program. The key provisions of this proposal were essentially as follows:

1. Subpart C set forth the methods to be used in determining the expected family contribution for dependent students which is to be used in determining a student's maximum grant under the Basic Educational Opportunity Grants Program. This section established methods of determining the expected contribution from parental income and assets, including the allowances to be made against that income and assets and the rates of contribution against income and assets after the allowances have been made, the expected contribution from the effective income of the dependent student and the dependent student's assets.

2. Subpart D set forth the methods to be used in determining the expected family contribution for independent students which is to be used in determining the student's maximum grant under the Basic Educational Opportunity Grant Program. This section established a definition of the independent student and further set forth procedures for determining the expected contribution from the effective income of the independent student, the contribution from the other income of the independent student, including the allowances against such income and the rates of contribution to be used in determining the contribution from other income after the allowances have been made, and the rates to be used in determining the contribution from the assets of the independent student.

Interested persons were invited to comment on the proposed Family Contribution Schedules. Some of the comments received were supportive of the Schedules in general. Many of the comments received while generally supportive of the proposed schedules, raised objection to some particular aspect of them. A number of respondents indicated that the contribution expected from parental income was in excess of that currently expected under the systems of the major national need analysis services. These comments were based on a comparison of expectation from parental income and family income and failed to take into account the difference in the treatment of student earnings between the Basic Educational Opportunity Grants Family Contribution Schedules and the national need analysis services. The systems of the services include a self-help expectation from student earnings. Under these systems, a student ordinarily is expected to save between $300 and $600 from earnings during the summer prior to the academic year and these savings are considered as a direct contribution from the students (and added to the expected parental contribution) for educational purposes. The financial aid officer at the student's institution also has the flexibility to adjust or waive this self-help expectation and therefore reduce the amount of expected contribution from the family although this waiver is seldom exercised.

The Basic Grants System, however, does not include an expectation from student earnings. Serious consideration was given to including a self-help expectation for Basic Grants, but was rejected for three major reasons. First, since each dollar of earnings would represent a dollar reduction of maximum grant eligibility, it was believed that this would result in an undesirable disincentive for students to seek summer employment. Second, such a dollar for dollar reduction in maximum grant eligibility would be contrary to the $1,400 maximum included in the law since such an assumed expectation would have to be deducted automatically. Finally, because of the nature of the Basic Grants Program, financial aid officers could not be given the flexibility to adjust this self-help expectation.

Many of the students who are potential Basic Grant recipients are from low-income families, and traditionally have the most difficulty in finding employment. In addition, any earnings they may receive are often used for living expenses and family maintenance purposes and are, therefore, not available for educational purposes.

Because financial aid officers do not have the authority to adjust the level of the expected family contribution for the Basic Grant Program, it would not be possible to accommodate those students who, through no fault of their own, were not able to meet the self-help expectation.

While the expectation from family income under the Basic Grant System is generally higher than the expectation from parental income under the systems of the major need analysis services, when the student self-help expectation is taken into account, the resulting expected contributions from income are approximately the same. It was not, therefore, necessary to modify the proposed Schedules on the basis of these comments.

A second group of comments expressed concern that the expectation from the assets of farmers and businessmen appeared to be excessive. A number of special rates of expectations for farm assets and business assets were proposed. After considerable discussion it was determined that no special allowances or rates unique to these two particular types of assets should be implemented.

However, it is realized that there are instances where families with relatively high asset positions will have low incomes. Therefore, it was decided to adjust the system to encompass a "negative discretionary income" treatment for the adjustment of assets in these cases. This treatment allows for any determined amount of negative discretionary income to be deducted from net assets prior to the deduction of an asset reserve and application of the asset assessment rate. This adjustment is believed to treat more equitably those families in these situations since it considers the financial strength of the family from both income and assets.

An additional asset adjustment was made to accommodate concern about consumer durables or personal assets such as automobiles, boats, art objects, etc. Comments and discussions stressed the advisability and added equity of expecting contributions from these assets of individual worth exceeding $500. An additional $7,500 asset reserve is applied to these types of assets prior to the application of the asset assessment rate.

Another major group of comments held that the Social Security benefits of the student should be considered as a part of the parents' income, particularly in the case of the student from a very low-income family. This proposal was not adopted for two reasons. First, the Act requires that one-half of Veteran's benefits and "any amount paid under the Social Security Act to, or on account of, the student which would not be paid if he were not a student" be considered as the effective income of the student. Such a requirement implies that all of a student's Social Security benefits be considered as the student's effective income rather than the income of the parents. Second, the allowable educational costs for the Basic Grant Program, which will be published shortly, include the cost of the student's room and board. If the Federal Government is to provide funds toward the student's support through the Basic Grant Program, it appears to be sound policy to reduce these funds if these costs are already being met through another Federal source.

Other comments received objected to some special aspect of the program. However, the kinds of objections expressed above were the principal comments. Each comment will remain under review and will be subject to further study during the initial year of operation of the program. Family Contribution Schedules are required to be submitted annually and, therefore, there will be an opportunity to make further modifications on the basis of these comments if subsequent experience shows that such modifications are necessary.

The Family Contribution Schedules, as published, also contained some technical inaccuracies and omissions. These inaccuracies and omissions have been corrected in this publication of the regulations. There has also been some rearrangement of text to give greater clarity, and deletion of text where the material published was more appropriate for some other portion of the regulations.

In light of the foregoing, chapter I of title 45 of the Code of Federal Regulations is amended by the addition of subparts C and D of part 190 as set forth below.

Effective date.—These regulations shall be effective on July 1, 1973.

Dated May 31, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved:

CASPAR W. WEINBERGER,
Secretary,
Department of Health, Education, and Welfare.

Subpart C—Expected Family Contribution for Dependent Students

AUTHORITY: Subpart 1 of Part A of Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a).

Subpart C—Expected Family Contribution for Dependent Students

§ 190.31 Indicators of financial strength.

"Expected family contribution" with respect to each dependent student means the amount which the family of that student may reasonably be expected to contribute toward the cost of his education for an academic year. Each of the following elements of financial strength will be considered in determining the family contribution for dependent students:

(a) The amount of the effective income of the student.

(b) The amount of the effective income of the student's parent(s).

(c) The number of dependents of the student's parent(s).

(d) The number of dependents of the student's parent(s) who are in attendance, on at least a half-time basis, in a program of postsecondary education.

(e) The amount of assets of the student.

(f) The amount of assets and other assets of the student's parent(s).

(g) Unusual expenses of the student and the unusual expenses of the student's parent(s). Such unusual expenses shall be limited to medical and dental expenses and expenses arising from catastrophe.

(h) The additional expenses incurred in providing an income when two parents are employed or when a family is headed by a single parent.

(20 U.S.C. 1070a(a) (3) (B) (ii).)

§ 190.32 Special definitions.

For purposes of this subpart:

(a) "Assets" means cash on hand including amounts in checking accounts, savings accounts and trusts, the current market value at the time of application of stocks, bonds, any other securities, real estate, home (if owned), income producing property, business equipment and business inventory which are held by the student's parents and by the student.

(b) "Other assets" means consumer durables and personal assets such as automobiles, boats, art objects, electronic sound and visual equipment, jewelry, antiques, and cameras, each of which has a value of $500 or more.

(c) (1) "Annual adjusted family income" for any base year means the sum of the following: Adjusted gross income as defined in section 62 of the Internal Revenue Code of the student's parents, investment income of the student's parents upon which no Federal income tax is required to be paid such as interest on municipal and State bonds, other income of the parents upon which no Federal income tax is required to be paid such as child support payments, income of the parents received under income maintenance programs including welfare benefits, social security benefits except those benefits paid to or on account of the student included in paragraph (f) of this section, and Veteran's benefits except those veteran's benefits paid under chapters 34 and 35 of title 38 of the United States Code.

(2) In the case of the student whose parents are divorced, or are separated and file separate returns for Federal income tax puposes, only the income as described in paragraph (c) (1) of this section of the parent claiming or eligible to claim the student as an exemption for Federal income tax purposes for the base year shall be considered in determining the annual adjusted family income. If no parent claims or is eligible to claim the student as an exemption for Federal income tax purposes, the income of both parents shall be combined to determine the annual adjusted family income.

(3) In the case of the student whose parents are married and not separated but file separate returns for Federal income tax purposes, the income as described in paragraph (c) (1) of this section of both parents shall be combined to determine the annual adjusted family income for that student.

(d) "Base year" means the tax year for which information is requested by the Commissioner for the purpose of determining family income.

(e) "Dependent student" means any student who does not qualify as an independent student as defined in § 190.42 (a).

(f) "Effective income of the student" means any amount paid to, or on account of, the student under the Social Security Act which would not be paid if he were not a student, i.e., under section 202(d) of title II of the Social Security Act, 42 U.S.C. 402(d), and one-half of any amount paid the student under chapter 34 of title 38, United States Code (Veterans Educational Assistance—38 U.S.C. 1651 et seq.) and chapter 35 of title 38, United States Code (War Orphans' and Widows' Education Assistance—38 U.S.C. 1700 et seq.). The amount of the effective income of the student is the amount to be received during the academic year for which Basic Grant assistance is requested.

(20 U.S.C. 1070a(a) (3) (B) (iv).)

(g) "Effective family income" of a student's parents means the annual adjusted family income received for the base year minus the Federal income tax paid or payable with respect to such income during the base year.

(20 U.S.C. 1070a(a) (3) (B) (iii).)

(h) "Employment expenses offset" means an allowance to meet expenses relating to employment where both parents are employed or where one parent qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(i) "Expenses arising from catastrophe" means those types and amounts of casualty losses which may be deducted under section 165(c) (3) of the Internal Revenue Code which were incurred during the base year by the student, the parents of the student and the parents' dependents.

(20 U.S.C. 1070a(a) (3) (B) (ii) (V).)

(j) "Family size offset" means an allowance to meet subsistence expenses, including food, shelter, clothing, and other basic needs of a family. For purposes of this part the "Weighted Average Threshold at the Low Income Level," as developed by the Social Security Administration shall be used as a basis to determine the amount for the family size offset.

(k) "Federal income tax" means the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code and the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions.

(20 U.S.C. 1070a(a) (3) (B) (iii).)

(l) "Medical expenses" means those types of medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code which were incurred during the base year by the student, the parents of the student and the parents' dependents.

(m) "Net assets" means the current market value of the assets included in paragraph (a) of this section, minus the outstanding liabilities (indebtedness) against such assets at the time of application.

(n) "Net other assets" means the current market value of the assets, included in paragraph (b) of this section, minus the outstanding liabilities (indebtedness) against such assets at the time of application.

(o) "Parent" means the mother or father of the student, unless any other person, except the student's spouse, provides more than one-half of the student's support and claims or is eligible to claim the student as an exemption for Federal income tax purposes for the base year, in which case such person shall be considered the parent.

(20 U.S.C. 1070a(a)(3)(B) unless otherwise noted.)

§ 190.33 The expected family contribution for dependent students from parents' income.

The expected family contribution for dependent students from parents' income for each grant shall be an amount determined in the following manner:

(a) Add to annual adjusted family income the effective income of the student attributable to the dependents of the student who is a veteran.

(b) Determine effective family income by subtracting from the amount determined in paragraph (a) of this section the amount of Federal income tax paid or payable with respect to such income.

(c) Determine discretionary income by deducting the following from effective family income:

(1) *Family size offset.* A family size offset in the amount specified in the following table. Family size includes the student, the student's parents and persons for whom the parents may claim an exemption under section 151 of the Internal Revenue Code. Family size is to be determined for the base year. If the parents are divorced or separated, family size shall include the student and any parent whose income is taken into account for the purpose of computing the annual adjusted family income and his or her exemptions.

FAMILY SIZE OFFSETS

Family size	*Dollar amount*
2	2,800
3	3,350
4	4,300
5	5,050
6	5,700
7	6,300
8	7,000
9	7,700
10	8,400
11	9,100
12	9,800

(2) *Unusual expenses.* The amount by which the sum of medical and dental expenses and losses resulting from catastrophes incurred in the base year and not compensated by insurance exceeds 20 percent of effective family income. Unusual expenses may be deducted if they were incurred by the student and any parent (and any persons for whom an exemption was claimed by that parent) whose income is taken into account for the purpose of computing the annual adjusted family income.

(3) *Employment expense offset.* An employment expense offset in an amount equal to 50 percent of the adjusted gross income earned in the base year by the parent earning the lesser income if both parents are employed, or 50 percent of the adjusted gross income of a parent qualifying as surviving spouse or as head of household as defined in section 2 of the Internal Revenue Code, but in no case shall such an offset exceed $1,500. The expense may be claimed only if the income of both parents or the income of the surviving spouse or head of household is taken into account for the purposes of computing the annual adjusted family income.

(d) To determine the expected family contribution from parental income the following rates shall be applied to discretionary income:

$0	(No contribution expected.)
$1 to 4,999	20 percent of Discretionary Income.
$5,000 or more	$1,000 plus 30 percent of Discretionary Income in excess of 5,000.

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.34 Computation of standard expected contribution from parents' assets.

(a) The expected contribution from parental assets shall be an amount determined in the following manner:

(1) Determine the net assets owned by the parents.

(2) If the amount of discretionary income determined in paragraph (c) of § 190.33 is a negative amount, subtract that amount from the amount of net assets determined in paragraph (a)(1) of this section.

(3) Deduct an asset reserve of $7500 from net assets as determined in paragraph (a)(1) or paragraph (a)(2) of this section whichever is applicable.

(4) The contribution from parental assets shall be an amount equal to 5 percent of the remainder obtained in paragraph (a)(3) of this section.

(b) If the student's parents are divorced or separated only the assets of the parent whose income is taken into account for the purpose of computing annual adjusted family income shall be considered.

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.35 Computation of standard expected contribution from parents' other assets.

(a) The expected contribution from other parental assets shall be an amount determined in the following manner:

(1) Determine the total amount of net other assets owned by the parents and deduct from that amount an asset reserve of $7,500.

(2) The contribution from other parental assets shall be an amount equal to 5 percent of the remainder obtained in subparagraph (1) of this paragraph.

(b) If the student's parents are divorced or separated only the other assets of the parent whose income is taken into account for the purpose of computing annual adjusted family income shall be considered.

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.36 Computation for expected contribution from parents' income, assets, and other assets adjusted for number of family members attending institutions of postsecondary education.

(a) For each grant the amount expected from parents' income as determined in § 190.33 shall be added to the amount expected from parents' assets as determined in § 190.34 and parent's other assets as determined in § 190.35.

(b) For each grant the combined expectation calculated on the basis of the above formula shall be further adjusted in the following manner to take into consideration the number of family members who will be in attendance, on at least a half-time basis, in programs of postsecondary education during the academic year for which basic grant assistance is required:

Number of family members attending institutions of postsecondary education	*Expected contribution from combined contribution per student*
1	100 percent of contribution from the amount determined in paragraph (a) of this section.
2	70 percent of contribution from the amount determined in paragraph (a) of this section.
3	50 percent of contribution from the amount determined in paragraph (a) of this section.
4 or more	40 percent of contribution from the amount determined in paragraph (a) of this section.

Family members include the student, the student's parents and persons for whom the parent may claim an exemption under section 151 of the Internal Revenue Code. When the student's parents are divorced or separated and are filing separate returns for Federal income tax purposes, family members shall include the student and any parent whose income is taken into account for the purpose of computing annual adjusted family income and his or her exemptions.

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.37 Computation of expected contribution from the student's effective income.

The expected family contribution shall include 100 percent of the student's effective income for the academic year for which aid is requested; except that, that portion of effective income of the student attributable to the dependents of a veteran shall instead be included as a part of, and treated as, annual adjusted family income.

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.38 Computation of expected contribution from student's assets.

For each grant the contribution from the student's assets shall be an amount equal to 33 per centum of his net assets as defined in § 190.32(m).

(20 U.S.C. 1070a(a)(3)(B).)

§ 190.39 Computation of the total expected family contribution.

For each grant the total expected family contribution shall be the sum of:

(a) The expected contribution from parents' discretionary income, parents' assets, and other assets as determined in § 190.36.

(b) The expected contribution from the student's effective income as determined in § 190.37, and

(c) The expected contribution from the student's assets as determined in § 190.38.

Subpart D—Expected Family Contribution for Independent Students

Sec.
190.41 Indicators of financial strength.
190.42 Special definitions.
190.43 Computation of the expected family contribution from effective income for independent students.
190.44 The expected family contribution for independent students from annual adjusted family income.
190.45 Computation of expected contribution from the assets of the independent student and his or her spouse.
190.46 Computation of expected contribution from the other assets of the independent student and his or her spouse.
190.47 Computation for expected contribution from income, assets, and other assets adjusted for number of family members attending institutions of postsecondary education.
190.48 Computation of the total expected family contribution.

AUTHORITY: Subpart 1 of part A of title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070a).

Subpart D—Expected Family Contribution for Independent Students

§ 190.41 Indicators of financial strength.

"Expected Family Contribution" with respect to each independent student means the amount which that student, and his or her spouse, if any, may reasonably be expected to contribute toward the cost of his or her education for an academic year. Each of the following elements of financial strength will be considered in determining the family contribution for independent students:

(a) The amount of effective income of the independent student.

(b) The amount of annual adjusted family income of the independent student and the independent student's spouse.

(c) The number of persons whom the independent student can claim as an exemption.

(d) The number of dependents of the independent student who in addition to the student will be in attendance, on at least a half-time basis, in a program of postsecondary education.

(e) The amount of the assets and the other assets of the independent student and his or her spouse.

(f) The unusual expenses of the independent student, and his or their dependents. Such unusual expenses shall be limited to medical and dental expenses and expenses arising from catastrophe.

(g) The additional expenses incurred in providing an income where both the independent student and his spouse are employed or where the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(20 U.S.C. 1070a(a)(3)(C).)

§ 190.42 Special definitions.

For the purposes of this subpart:

(a) "Independent Student" means a student who:

(1) Has not and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested,

(2) Has not received and will not receive financial assistance of more than $600 from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(3) Has not lived or will not live for more than 2 consecutive weeks in the home of a parent during the calendar year in which aid is received and the calendar year prior to the academic year for which aid is requested.

(b) "Assets" means cash on hand including amounts in checking accounts, savings accounts and trusts, the current market value at the time of application of stocks, bonds, and other securities, real estate, home (if owned), income producing property, business equipment and business inventory which are held by the independent student and/or his spouse.

(c) "Other assets" means consumer durables and personal assets such as automobiles, boats, art objects, electronic sound and visual equipment, jewelry, antiques, and cameras, each of which has a value of $500 or more.

(d) (1) "Annual Adjusted Family Income" for any base year means the sum of the following: Adjusted gross income as defined in section 62 of the Internal Revenue Code of the student and the student's spouse, investment income upon which no Federal income tax is required to be paid such as interest on municipal and State bonds, other income of the student and the student's spouse upon which no Federal income tax is required to be paid such as child support payments, income of the student and the student's spouse received under income maintenance programs including welfare benefits, social security benefits except those benefits paid to or on account of the student included in paragraph (g) of this section, and veteran's benefits except those veteran's benefits paid to the independent student under chapters 34 and 35 of title 38 of the United States Code.

(2) In the case of the student who is divorced, or is separated and files a separate return for Federal income tax purposes, only the student's own income shall be considered in determining the annual adjusted family income.

(3) In the case where the student and his spouse are married and not separated but file separate returns for Federal income tax purposes, the income as described in paragraph (d)(1) of this section of both the applicant and spouse shall be combined to determine the annual adjusted family income for that student.

(e) "Base year" means the tax year for which information is requested by the Commissioner for the purpose of determining family income.

(f) "Dependent" means the independent student's spouse and such other persons who are eligible to be claimed as an exemption for Federal income tax purposes by the student during the base year.

(g) The "effective income of the student" means any amount paid to, or on account of, the student under the Social Security Act which would not be paid if he were not a student; i.e., under section 202(d) of title II of the Social Security Act, 42 U.S.C. 402(d), and one-half of any amount paid the student under chapter 34 of title 38, United States Code (Veterans Educational Assistance—38 U.S.C. 1651 et seq.) and chapter 35 of title 38, United States Code (War Orphans' and Widows' Education Assistance—38 U.S.C. 1700 et seq.). The amount of the effective income of the student is the amount to be received during the academic year for which basic grant assistance is requested.

(h) "Effective family income" means the annual adjusted family income received during the base year minus the Federal income tax paid or payable with respect to such income.

(i) "Employment expense offset" means an allowance to meet expenses relating to employment where both the independent student and his or her spouse are employed or where the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(j) "Expenses arising from catastrophe" means those types and amounts of casualty losses which may be deducted under section 165(c)(3) of the Internal Revenue Code which were incurred by the independent student and his dependents during the base year.

(k) "Family size offset" means an allowance to meet subsistence expenses, including food, shelter, clothing, and other basic needs of the independent student and his dependents. For purposes of this part the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration, shall be used as a basis to determine the amount for the family size

offset except in the case of a single independent student, where an amount estimated to be equal to living expenses during periods of nonenrollment shall be utilized.

(l) "Federal income tax" means the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code and the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions.

(20 U.S.C. 1070a(a)(3)(B)(iii).)

(m) "Medical expenses" means those types of medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code, which were incurred by the independent student and his dependents during the base year.

(n) "Net assets" means the current market value at the time of application of the assets included in paragraph (b) of this section minus the outstanding liabilities (indebtedness) against such assets.

(20 U.S.C. 1070a(a)(3)(C).)

(o) "Net other assets" means the current market value at the time of application of the other assets included in paragraph (c) of this section minus the outstanding liabilities (indebtedness) against such assets.

(20 U.S.C. 1070a(a)(3)(C).)

§ 190.43 Computation of the expected family contribution from effective income for independent students.

The expected family contribution shall include 100 per centum of the student's effective income for the academic year for which aid is requested; except that, that portion of effective income of the student attributable to the dependents of a veteran shall instead be included as a part of, and treated as, annual adjusted family income.

(20 U.S.C. 1070a(a)(3)(C).)

§ 190.44 The expected family contribution for independent students from annual adjusted family income.

The expected family contribution of the independent student from annual adjusted family income shall be an amount determined in the following manner:

(a) Determine effective family income by subtracting from the annual adjusted family income (including the portion of the effective income of the student attributable to the dependents of a veteran) the amount of Federal income tax paid or payable with respect to such income.

(b) Determine discretionary income by deducting the following from effective family income:

(1) *Family size offset.* A family size offset in the amount specified in the following table. Family size includes the student and his dependents, as defined in section 190.42(f) at the close of the base year. If the student is divorced or separated, family size shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her exemptions as defined in section 151 of the Internal Revenue Code.

Family size	*Dollar amount*
2	$2,800
3	3,350
4	4,300
5	5,050
6	5,700
7	6,300
8	7,000
9	7,700
10	8,400
11	9,100
12	9,800

An offset of $700 shall be made for the single independent student.

(2) *Unusual expenses.* The amount by which the sum of medical and dental expenses, and losses resulting from catastrophes incurred in the base year and not compensated by insurance, exceeds 20 percent of effective family income. Unusual expenses may be deducted if they were incurred by the independent student and his dependents during the base year.

(3) *Employment expense offset.* An employment expense offset in an amount equal to 50 percent of the adjusted gross income earned in the base year by either a married independent student or the student's spouse, whoever earns the lesser, or 50 percent of the adjusted gross income during the base year of an independent student qualifying as a surviving spouse or as head of household as defined in section 2 of the Internal Revenue Code, but in no case shall such an offset exceed $1,500.

(c) Determine the expected family contribution from the family income of the independent student and his or her spouse by applying the following rates to discretionary income:

(1) 75 percent of discretionary income for the single independent student with no dependents;

(2) 50 percent of discretionary income for the married independent student with no dependents other than spouse; and

(3) 40 percent of discretionary income for the independent student who has dependents other than spouse.

(20 U.S.C. 1070a(a)(3)(C).)

§ 190.45 Computation of expected contribution from the assets of the independent student and his or her spouse.

The expected contribution from the assets of the independent student and his or her spouse shall be determined in the following manner:

(a) Determine the total amount of net assets owned by the student and the student's spouse.

(b) If the amount of discretionary income determined in paragraph (b) of § 190.44 is a negative amount, subtract that amount from the amount of net assets determined in paragraph (a) of that section.

(c) The contribution from assets shall be an amount equal to 33 percent of the amount determined in paragraph (a) or (b) of this section, whichever is applicable.

§ 190.46 Computation of expected contribution from the other assets of the independent student and his or her spouse.

The expected contribution from the other assets of the independent student and his or her spouse shall be determined in the following manner:

(a) Determine the total amount of net other assets owned by the student and the student's spouse and deduct from that amount an other asset reserve of $7,500.

(b) The contribution from other assets shall be an amount equal to 33 percent of the remainder obtained in paragraph (a) of this section.

§ 190.47 Computation for expected contribution from annual adjusted family income, assets and other assets adjusted for number of family members attending institutions of postsecondary education.

(a) For each grant the amount expected from family income as determined in § 190.44 shall be added to the amount expected from assets as determined in § 190.45 and other assets as determined in § 190.46.

(b) For each grant the combined expectation calculated on the basis of the above formula shall be further adjusted in the following manner to take into consideration the number of family members who will be in attendance, on at least a half-time basis, in programs of postsecondary education during the academic year for which basic grant assistance is requested:

Number of family members attending institutions of postsecondary education	*Expected contribution from combined contribution per student*
1	100 percent of contribution from the amount determined in paragraph (a) of this section.
2	70 percent of contribution from the amount determined in paragraph (a) of this section.
3	50 percent of contribution from the amount determined in paragraph (a) of this section.
4 or more	40 percent of contribution from the amount determined in paragraph (a) of this section.

Family members shall include any person whose income is taken into account for the purpose of computing the annual adjusted family income and his or her exemptions.

§ 190.48 Computation of the total expected family contribution.

For each grant the total expected family contribution shall be the sum of:

(a) The expected contribution from the student's effective income as determined in § 190.43, and

(b) The expected contribution from discretionary income, assets, and other assets as determined in § 190.47.

APPENDIX

EXPECTED FAMILY CONTRIBUTION FOR DEPENDENT STUDENTS, ACADEMIC YEAR 1973–74

Summary of Calculation

1. Parents' adjusted gross income in 1972		
2. Other parental income in 1972	+	
3. Parents' annual adjusted income in 1972	=	
4. Parents' Federal income tax paid for 1972	−	
5. Effective family income in 1972	=	
6. Family size offset	+	
7. Unusual expenses	+	
8. Employment expense offset	+	
9. Total offsets against income (lines 6+7+8)	−	
10. Discretionary income (line 5 minus line 9)		
11. Determine net assets of parents		
12. If line 10 is a negative amount, subtract from line 11 the amount necessary to bring discretionary income up to zero. Enter the remainder of the net assets		
13. If line 10 is a positive amount, enter that amount. If line 10 is a negative amount enter zero		
14. Determine net other assets of parents		
15. Multiply discretionary income in line 13 by applicable rate to obtain standard contribution		
16. Subtract asset reserve of $7500 from amount entered on line 12 to obtain available parental assets		
17. Multiply available parental assets by 0.05	× 0.05	
18. Parental contribution from assets		
19. Subtract other asset reserve of $7500 from amount entered on line 14 to obtain available other assets of parents		
20. Multiply available other assets of parents by 0.05	× 0.05	
21. Parental contribution from other assets		
22. Add lines 15 plus line 18 plus 21 to obtain standard contribution from income, assets, and other assets		
23. Multiply standard contribution by multiple student rate to determine expected family contribution for each family member in postsecondary education		
24. Effective income of student		
25. Determine net assets of student		
26. Multiply student's net assets by 0.33	× 0.33	
27. Student's contribution from assets	=	
28. Total family contribution equals sum of lines 23 plus 24 plus 27	=	

EXPLANATION OF CALCULATION[1]

1. *Parents' adjusted gross income in 1972 (line 1).* All income which is available to the parents should be considered in the evaluation of parental ability to support the cost of postsecondary education. The most valid reference for parental income subject to Federal income tax is the adjusted gross income item in the family's Federal income tax return. This information is readily available to most families, and the information can be verified by referring to the IRS forms actually filed by the parents.

If it may be assumed that family income will be measured on an annual basis, which year of family income shall be used? Parents provide from their current income for the education of their children. However, if we attempted to use current year information, a parent would have to estimate the amount of income which he will receive during a year in which a child is a student since application for aid is made before the student enrolls for a particular year of study. A study by Orwig and Jones shows that income received during the tax year prior to the year in which the student is applying for aid is the best practical indicator of the income from which a student's actual expenses will be paid.[2] If estimates of the income received during the actual year of attendance are provided by parents, middle income families systematically underestimate their earnings, and lower income families systematically overestimate their earnings. The amount to be entered here, therefore, is from the previous year's Federal income tax form.

2. *Other parental income in 1972 (line 2).* Information on other family income must also be collected since this income does clearly contribute to family financial strength and may represent a considerable portion of the parental income of many Basic Grant recipients. Elements of other family income are: Income from tax exempt bonds, that portion of pensions on which no Federal income tax is required, welfare benefits, social security benefits (except those included in effective income of the student), child support payments, income of families which didn't file income tax returns, that portion of capital gains on which no Federal income tax is required, etc.

3. *Parents' annual adjusted income in 1972 (line 3).* Parents' annual adjusted income is the sum of parents' adjusted gross income (line 1) plus other family income (line 2).

4. *Parents' Federal income tax paid for 1972 (line 4).* The legislation requires that a deduction be made, from annual adjusted income, for the amount of Federal income tax paid on income received during the base year.

5. *Effective family income in 1972 (line 5).* The result of subtracting Federal income tax paid (line 4) from the annual adjusted income (line 3) is effective family income and is the base for calculating expected contribution from parental income.

6. *Family size offset (line 6).* In addition to taxes, a family has basic subsistance expenses which must be met before any contribution from income can be expected. These expenses will vary depending on size of the family involved. For purposes of the basic grant, the "Weighted Average Thresholds At the Low Income Level," developed by the Social Security Administration and published by the Bureau of the Census, have been used as a reasonable approximation of basic family expenses.[3] These expenses are based on the food costs of a family of a given size, and make certain assumptions about the additional expenses of shelter and other family needs.

The data are revised annually, and thus can be used to update the family contribution schedules from year to year. The figures supplied by the Bureau of the Census have been incremented by 4 percent to reflect estimated cost of living increases from the fall of 1971 to the present, and then rounded to facilitate calculation. The resulting figures have been called "Family Size Offsets." Their derivation is illustrated below:

DERIVATION OF FAMILY OFFSETS

Family size	*Family size offset*
2 Member Family	2800
3 Member Family	3350
4 Member Family	4300
5 Member Family	5050
6 Member Family	5700
7 Member Family	6300
8 Member Family	7000
9 Member Family	7700
10 Member Family	8400
11 Member Family	9100
12 Member Family	9800

[a] Census Bureau category "7 or more persons" are for 8 member family. Values for family size 7–12 have been extrapolated.

7. *Unusual expenses (line 7).* The Basic Grant program is required by law to take into consideration two kinds of unusual expenses, those arising from a "catastrophe" and "unusual medical expenses." It is proposed to use the Internal Revenue Service definitions of medical and dental expenses and casualty loss in determining "unusual expenses" for the Basic Grant program. The use of Internal Revenue Service definitions avoids the need for creating a new definition of expenses which would be used only by the Basic Grants program. However, some distinction must be made between expenses which may be itemized for income tax purposes, and those itemized expenses which are "unusual" as used for the Basic Grant legislation.

For purposes of the Basic Grant program, those items which may be included as unusual expenses are:

1. Those medical and dental expenses (not compensated by insurance or otherwise) which may be listed as "medicine and drugs" on line 2 of Schedule A, Form 1040 of the Internal Revenue Service and those expenses which may be listed as "Other Medical and Dental Expenses" on line 6 of Schedule A, Form 1040. The gross amount of all such medical, dental and drug expenses is to be used in the Basic Grant calculation.

2. Those casualty or theft loss(es) permitted by the Internal Revenue Service (Form 1040, Schedule A, line 30).

The amount of unusual expenses which may be deducted from effective family income (line 5 of this illustration) is that amount of unusual expenses (as defined above) in excess of 20 percent of effective

[1] Reference numbers are keyed to the line numbers in preceeding summary.

[2] Orwig and Jones, "Can Financial Need Analysis Be Simplified?" The American College Testing Program, Iowa City, Iowa, 1970—p. 11.

[3] From "Weighted Average Thresholds At the Low Income Level" in 1971 by size of family and sex of head, by farm-nonfarm residence; current population reports, consumer income, characteristics of the low-income population; 1971 series p. 60, No. 82, July 1972.

family income. This exclusion is designed to confine claims for such expenses to those which are genuinely unusual.

8. *Employment expense offset (line 8).* In constructing budgets which recognize expenses for families, due provision must be made for the expenses of the breadwinner which occur as a result of employment itself. Some expenses for clothing, transportation, and other items are attributable to occupational needs. When both parents work, additional employment expenses are incurred. Also, if a household is headed by a single parent, the costs associated with that employment are greater than for a comparable worker who has the economic advantage of a nonemployed spouse. Therefore in the determination of family contribution an "Employment Expense Offset" has been constructed to treat more equitably the income of the two parent family where both parents work, or the single parent household. It is recognized that both of these types of families will occur frequently in the lower income families where Basic Grant eligibility is greatest. The offset provides that 50 percent of the earnings of that parent with the lesser earnings, or 50 percent of the earnings of the single parent, will be protected from any contribution toward education. The maximum offset is $1,500 and would thus assure that up to $30 a week would be available for the additional expenses which these parents face.

9. *Total offsets against income (line 9).* The sum of line 6 (family size offset) plus line 7 (unusual expenses) plus line 8 (employment expense offset) is the total amount which can be deducted from effective family income (line 5) in order to determine discretionary parental income.

10. *Discretionary income (line 10).* The income which remains after allowance has been made for family living expenses, Federal income taxes, unusual expenses and the employment expense offset may be identified as discretionary income. This income is available for the purchases of goods and services which enhance the standard of living of the family including the cost of postsecondary education.

11. *Net assets of parents (line 11).*—For purposes of Basic Grants, the following types of assets will be considered: Equity in farm, business, home, other real estate, stocks, bonds, other investments, savings accounts, etc. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

12. *Asset adjustment in cases of negative discretionary income (line 12).*—In measuring family financial strength both income and assets must be considered. Very low income families may have a strong enough asset position such that a contribution from those assets can be expected. At the same time, the calculation of discretionary income for those families may yield a negative amount due to the low level of income. Therefore, in order to arrive at a family contribution which more equitably treats both the income and the assets of these families, an amount sufficient to offset the negative discretionary income is subtracted from the net assets. The resulting amount of adjusted net assets becomes the base from which the contribution from assets is expected.

13. *Discretionary income (line 13).*—In cases where the discretionary income on line 10 is a negative amount a zero is entered here. Where line 10 is a positive amount, that positive amount is repeated here.

14. *Net other assets of parents (line 14).*—For purposes of basic grants the following types of other assets will be considered: automobiles, boats, art objects, electronic sound and visual equipment, jewelry, antiques, cameras, etc., each of which has a value of $500 or more. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

15. *Standard income contribution rate (line 15).*—A contribution of 20 percent is expected from the first $5,000 of discretionary income. When discretionary income exceeds $5,000, the expected income contribution is $1,000 plus 30 percent of the amount in excess of $5,000. The contribution rates will generally be at the 20 percent level for most of the income range where basic grant eligibility will occur.

These contribution rates appear reasonable in terms of the several demands made on family income especially in light of the fact that the cost of supporting the student for the academic year is included in the cost of education and does not have to be met from the general budget resources.

The illustrative chart below shows the expected family contribution from annual adjusted family income which does not reflect adjustments for Federal income taxes paid, unusual expenses, or employment expense offset.

CONTRIBUTION FROM ANNUAL ADJUSTED FAMILY INCOME FOR DEPENDENT STUDENTS

Annual adjusted* family income	Family Size								
	2	3	4	5	6	7	8	9	10
$3,000	$34	0	0	0	0	0	0	0	0
4,000	216	$117	0	0	0	0	0	0	0
5,000	375	289	$120	0	0	0	0	0	0
6,000	543	458	291	$163	$64	0	0	0	0
7,000	708	625	460	334	236	$127	0	0	0
8,000	870	789	626	502	406	299	$180	$60	0
9,000	1,022	953	791	669	575	469	353	235	$116
10,000	1,303	1,181	959	838	746	642	526	410	292
11,000	1,555	1,432	1,190	1,008	914	812	698	583	467
12,000	1,800	1,684	1,442	1,259	1,122	980	868	755	640
13,000	2,049	1,928	1,693	1,511	1,374	1,221	1,054	925	811
14,000	2,281	2,166	1,930	1,755	1,620	1,467	1,300	1,133	977
15,000	2,515	2,400	2,164	1,989	1,858	1,710	1,543	1,376	1,209
16,000	2,745	2,634	2,398	2,223	2,092	1,947	1,786	1,619	1,452
17,000	2,970	2,861	2,632	2,457	2,326	2,181	2,020	1,860	1,695
18,000	3,169	3,086	2,857	2,688	2,560	2,415	2,254	2,094	1,933
19,000	3,420	3,311	3,082	2,913	2,790	2,649	2,488	2,328	2,167
20,000	3,640	3,536	3,307	3,138	3,015	2,876	2,722	2,562	2,401

*Adjusted gross income plus nontaxable income.

16. *Available parental assets (line 16).*—In order to determine the amount of parental assets which can be assessed for contribution for educational purposes, an asset reserve of $7,500 is subtracted from the net assets of parents. Since families accumulate assets for several purposes including retirement, future consumption, the postsecondary education of their children and the provision of an economic buffer in the event of catastrophe, some portion of assets should be reserved from any contribution toward postsecondary education, and remaining assets be assessed at some rate less than 100 percent. After a review of the available data, it was decided that $7,500 was an adequate asset reserve since it appears that average home equity for the families of the majority of basic grant recipients may be in approximately this amount, if data from the Department of the Census are read in conjunction with the Survey of Economic Opportunity. In addition, the $7,500 amount would allow for emergencies and retirement needs.

17. *Asset assessment rate (line 17).*—Once the available parental assets have been determined, a contribution rate of 5 percent will be assessed on the parents' net worth in excess of $7,500. Because the value of assets grows, this rate of asset assessment will generally leave the family's asset position largely unimpaired.

18. *Parental contribution from assets (line 18).*—The result of multiplying the available parental assets (line 16) by the assets assessment rate (line 17) is the expected parental contribution from assets.

19. *Available other parental assets (line 19).*—In order to determine the amount of other parental assets which can be assessed for contribution for educational purpoes, an other asset reserve of $7,500 is subtracted from the net other assets of parents (line 14).

20. *Other asset assessment rate (line 20).*—Once the available other parental assets have been determined, a contribution rate of 5 percent will be assessed on the parents' net worth in excess of $7,500.

21. *Parental contribution from other assets (line 21).*—The result of multiplying the available other parental assets (line 19) by the other assets assessment rate (line 20) is the expected parental contribution from other assets.

22. *Standard parental contribution from income, assets, and other assets (line 22).*—The standard parental contribution (contribution before multiple student adjustment) from income, assets, and other assets is determined by adding the contribution from income (line 15), the contribution from assets (line 18), and the contribution from other assets (line 21).

23. *Multiple student adjustment (line 23).*—Adding the Parental Income Contribution to the parental asset contribution and the other parental asset contribution results in the expected contribution from parents with one family member in postsecondary education. Some adjustment must then be made for those families in which more than one family member will be enrolled in postsecondary education for the academic year 1973–74.

Since each student has an allowance for costs of attendance, the family's discretionary income is effectively increased when there is more than one family member in postsecondary education. In order to determine the appropriate percentages, the contributions expected from different family sizes were compared. These investigations indicated that 140 percent of the contribution for one child would be a reasonable assessment against the family with two students. Thus, each student would receive 70 percent of the contribution which the family would make if there were only one student in the family. Similarly, 150 percent of the single student contribution seemed adequate for the family with three children in postsecondary education; each student could expect 50 percent of the single student contribution. For families with four or more students, each family will be assessed

40 percent of the single student contribution for each child in postsecondary education.

The following table summarizes the treatment of families with different numbers of family members in postsecondary education:

Number of students	Contribution per student as a percent of standard contribution	Family contribution for all students as a percent of standard contribution
	Percent	*Percent*
1	100	100
2	70	140
3	50	150
4 or more	40	160+

24. *Effective income of the student (line 24).*—For purpose of the Basic Grants program effective income of the student is: That amount of social security benefits paid to or on behalf of a student because he is a student; and one-half of that amount of veteran's readjustment benefits and/or war orphan's benefits (exclusive of dependency allowances) paid to or on behalf of a student because he is a student. In both cases the amount is the total to be received during the academic year for which Basic Grant assistance is requested. Veteran's dependency allowance are clearly not for the support of the Veteran himself. Therefore they are included with and given the same treatment as "other family income".

25. *Net assets of the student (line 25).*—The applicant's net assets would be defined in the same fashion as the assets of the parents. Debts against these assets would be deducted. Trust funds in the student's name would be included.

26. *Student asset assessment rate (line 26).*—In determining a fair treatment of student assets the theory of the major need analysis systems has been followed; i.e., that because the student himself is the direct beneficiary of postsecondary education, he should be expected to invest a greater portion of his resources in meeting his educational costs than should be expected from his parents.

Usual financial aid procedures divide a student's assets by the number of years remaining for a 4-year program of postsecondary education. The result of this division is considered to be the student's asset contribution.

For the Basic Grants program, a different treatment of student assets is employed. One-third of the student's assets (recalculated each year) would be expected. This method is simple, provides a modest reserve for the student, and avoids the assumption that all students are enrolled in a traditional 4-year program.

27. *Student's contribution from assets (line 27).*—The result of multiplying the student's net assets (line 25) by the student asset assessment rate (line 26) is that amount expected from student assets for educational purposes.

28. *Total family contribution (line 28).*—The total expected family contribution for a dependent student is determined by adding line 23 plus line 24 plus line 27.

EXPECTED FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS, ACADEMIC YEAR 1973–1974

Summary of Calculations

1. Effective income of student		
2. Adjusted gross income of applicant (and spouse)		
3. Other family income	+	
4. Annual adjusted family income of applicant (and spouse) (line 2+line 3)	=	
5. Federal income tax paid	−	
6. Effective family income	=	
7. Family size offset	+	
8. Unusual expenses	+	
9. Employment expense offset	+	
10. Total offsets against income (lines 7+8+9)	=	−
11. Discretionary income (line 6 minus line 10)	=	
12. Determine net assets of applicant (and spouse)		
13. If line 11 is a negative amount, subtract from line 12 the amount necessary to bring discretionary income to zero. Enter the amount of the remainder of net assets		
14. If line 11 is a positive amount, enter that amount. If line 11 is a negative amount, enter zero		
15. Determine net other assets of applicant (and spouse)		
16. Multiply discretionary income on line 14 by applicable rate to obtain standard contribution		
17. Multiply amount of assets of applicant (and spouse) entered on line 13 by 0.33	× 0.33	
18. Contribution from assets		
19. Subtract other asset reserve of $7500 from amount entered on line 15 to obtain available other assets of applicant (and spouse)		
20. Multiply available other assets by 0.33	× 0.33	
21. Contribution from other assets		
22. Add lines 16 plus 18 plus 21 to obtain standard contribution from income, assets, and other assets		
23. Multiply standard contribution by multiple student rate to determine expected family contribution for each family member in postsecondary education		
24. Total family contribution equals sum of lines 1 plus 23		

EXPECTED FAMILY CONTRIBUTION FOR INDEPENDENT STUDENTS ACADEMIC YEAR 1973–1974

Explanation of calculations.[1] For the purposes of the Basic Grants program, independent (self-supporting) student status may be claimed if the applicant:

(1) Has not been and will not be claimed as an exemption for Federal income tax purposes by any person except his or her spouse for the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(2) Has not received and will not receive financial assistance of more than $600 (in cash or kind) from his or her parent(s) in the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested, and

(3) Has not lived or will not live for more than two consecutive weeks in the home of a prent during the calendar year(s) in which aid is received and the calendar year prior to the academic year for which aid is requested.

Once a student has been determined to meet these criteria and is defined as an independent student, his expected family contribution is calculated according to the process outlined below.

1. *Effective income of student (line 1).* For purposes of the Basic Grants program. Effective income of the student is: That amount of social security benefits paid to or on behalf of the student because he is a student; and, one-half of the amount of veteran's readjustment benefits and/or war orphan's benefits (exclusive of dependency allowances) paid to or on behalf of a student because he is a student. In both cases, the amount is the total to be received during the academic year for which Basic Grant assistance is requested. Dependency allowances are clearly not for the support of the Veteran himself. Therefore they are included with, and given the same treatment as, "other family income".

2. *Adjusted gross income of applicant (and spouse) (line 2).* All income which is available to the applicant (and spouse) should be considered in the evaluation of ability to support the cost of postsecondary education. The most valid reference for taxable income is the adjusted gross income item in the Federal income tax return. This information is readily available and can be verified by referring to the IRS forms actually filed.

The decision as to which year's income is to be considered is a difficult one for independent students. Traditionally, a student's income may vary considerably from year to year. While it may be preferable to ask the student to estimate his earnings for the current year, obtaining realistic projections of earnings would not be possible without establishing counseling centers where students could be assisted in preparing this information.

Because this is not feasible at this time, it has been determined that the adjusted gross income to be considered is that amount entered on the previous year's Federal income tax form.

This also has the advantage of being consistent with the data collected for dependent students and assures that the family contribution of all students is determined from the same base.

3. *Other income of the independent student (line 3).* Information on other income of the independent student must also be collected since this income does clearly contribute to financial strength and may represent a considerable portion of the income of many Basic Grant recipients. Elements of other income are: Income from tax exempt bonds, that portion of pensions on which no Federal income tax is required, that portion of capital gains on which no Federal income tax is required, welfare benefits, social security retirement, child support payments, veteran's disability, income of persons who did not file income tax returns, etc.

4. *Annual adjusted family income of applicant (and spouse) (line 4).*—Annual adjusted family income is the sum of adjusted gross income (line 2), and other family income (line 3).

5. *Federal income tax paid by applicant (and spouse) (line 5).* The legislation requires that a deduction be made, from annual adjusted income, for the amount of Federal income tax paid on income received during the base year.

6. *Effective family income (line 6).* The result of subtracting Federal income tax paid (line 5) from the annual adjusted family income (line 4) is effective family income.

7. *Family size offset (line 7).* In addition to taxes, there are basic subsistence expenses which must be met before any contribution from income can be expected. These expenses will vary depending on the size of the family involved. For the single independent student, this offset is $700 which covers the student's

[1] Reference numbers are keyed to line items of preceding summary.

summer living expenses. Using the same base for deriving family size offsets as is used for multiple member families (weighted average thresholds at the low-income level) and adjusting for an estimated 4 percent inflation, the family size offset for a single member family is $2,114 per year. Generally, a student is in school for approximately 65 percent of the year (two 16-week semesters plus a 2-week break between semesters). Since his expenses during this 34-week academic year are covered in his cost of attendance, the $700 offset provides for his expenses during that period of time when he is not in school.

For married independent students and those with additional dependents, the family size offset is the same as that for the parent's of dependent students:

Family size	*Family size offset*
2	$2,800
3	3,350
4	4,300
5	5,050
6	5,700
7	6,300
8	7,000
9	7,700
10	8,400

8. *Unusual expenses (line 8).*—The Basic Grants program is required by law to take into consideration at least two kinds of unusual expenses, those arising from a "catastrophe" and "unusual medical expenses." It is proposed to use the Internal Revenue Service definitions for medical and dental expenses and casualty loss(es) to constitute "unusual expenses" for the Basic Grants program. The use of Internal Revenue Service definitions avoids the need for creating a new definition of expenses which would be used only by the Basic Grants program. However, some distinction must be made between expenses which may be itemized for income tax purposes, and those itemized expenses which are "unusual" for Basic Grants.

For purposes of the Basic Grants program those items which may be included as unusual expenses are:

1. Those medical and dental expenses incurred during the base year (not compensated by insurance or otherwise) which may be listed as "medicine and drugs" on line 2 of Schedule A, Form 1040 of the Internal Revenue Service and those expenses which may be listed as "Other Medical and Dental Expenses" on line 6 of Schedule A, Form 1040. The gross amount of all medical, dental and drug expenses may be listed.

2. In addition, those casualty or theft loss(es) incurred during the base year permitted by the Internal Revenue Service (Form 1040, Schedule A, line 30).

The amount of unusual expenses which may be deducted is that amount of unusual expenses (as defined above) in excess of 20 percent of the effective family income. This exclusion is designed to confine claims for such expenses to those which are genuinely unusual.

9. *Employment expense offset (line 9).* In constructing budgets which recognize minimum expenses for families, provision must be made for the expenses of the breadwinner which occur as a result of employment itself. Some expenses for clothing, transportation, food, and other items are attributable to occupational needs. When two persons work, additional employment expenses are incurred Also, if a household is headed by a single person, the costs associated with that employment are greater than for a comparable worker who has the economic advantage of a nonemployed spouse. Therefore, in the determination of family contribution an "Employment Expense Offset" has been constructed to treat more equitably the income of the two-person family where both persons work during the base year, or the single person who heads a household during the base year. It is recognized that both of these types of families will occur frequently in the lower income families where Basic Grants eligibility is greatest. The offset provides that 50 percent of the earnings of that person with the lesser earnings, or 50 percent of the earnings of the single head of household, will be protected from any contribution toward education. The maximum offset would be $1,500 and would thus assure that up to $30 a week would be available for the additional expenses which these persons face.

10. *Total offsets from income (line 10).* The sum of line 7 (family size offset) plus line 8 (unusual expenses) plus line 9 (employment expense offset) is the total amount which can be deducted from effective family income (line 6) in order to determine discretionary income.

11. *Discretionary income (line 11).* The income which remains after adjustment has been made for family living expenses, Federal income taxes, unusual expenses and the employment expense offset may be identified as discretionary income. This income is available for the purchase of goods and services which enhance the standard of living of the family, including postsecondary education.

12. *Net assets of applicant (and spouse) (line 12).* For purposes of Basic Grants, the following types of assets will be considered: Equity in farm, business, home, other real estate, stocks, bonds, other investments, savings accounts, etc. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

13. *Asset adjustment in cases of negative discretionary income (line 13).*—In measuring family financial strength both income and assets must be considered. Very low income families may have a strong enough asset position such that a contribution from those assets can be expected. At the same time, the calculation of discretionary income for those families may yield a negative amount due to the low level of income. Therefore, in order to arrive at a family contribution which more equitably treats both the income and the assets of these families, an amount sufficient to offset the negative discretionary income is subtracted from the net assets. The resultant amount of adjusted net assets becomes the base from which the contribution from assets is expected.

14. *Discretionary income (line 14).*—In cases where the discretionary income on line 11 is a negative amount a zero is entered here. Where line 11 is a positive amount, that positive amount is repeated here.

15. *Net other assets of applicant (and spouse) (line 15).*—For purposes of Basic Grants, the following types of other assets will be considered: automobiles, boats, art, objects, electronic sound and visual equipment, jewelry, antiques, cameras, etc., each of which has a value of $500 or more. Since equity is being measured, debts against the stated assets will be deducted in evaluating the net worth of these assets.

16. *Standard income contribution rate (line 16).*—Because of the direct benefits of postsecondary education received by the independent student, the expected contribution rate for such students from income has traditionally been much greater than the rate applied to the discretionary income of the parents of dependent students. In fact, the independent student has usually been expected to use all of his discretionary income for educational purposes.

In developing a system for the Basic Grants program, it was felt that a 100 percent contribution rate was excessive, especially for independent students with family responsibilities.

The following income contribution schedule was developed to accommodate these responsibilities:

(a) 75 percent of discretionary income for the single independent student with no dependents.

(b) 50 percent of discretionary income for the married independent student with no dependents other than spouse.

(c) 40 percent of discretionary income for independent students who have dependents other than spouse.

The amount of expected contribution from annual adjusted family income is shown in the illustrative charts at the end of this paper. Annual adjusted family income does not reflect the adjustments for Federal income taxes paid, unusual expenses, or employment expense offset.

17. *Asset contribution rate (line 17).*—In determining a fair treatment of student assets, it has been assumed that since a student is the direct beneficiary of postsecondary education, he should be expected to invest a greater portion of his resources in meeting his educational costs than would be expected from his parents.

Existing financial aid procedures divide a student's assets by the number of years remaining in a 4-year program of postsecondary education. The result of this division is considered to be the student asset contribution.

For the Basic Grants program, a different treatment of student assets is employed. One-third of the student's assets (recalculated each year) would be expected. This method is simple, provides a modest reserve for the student, and avoids the assumption that a student is enrolled in a traditional 4-year program.

18. *Contribution from assets (line 18).*—The result of multiplying the student's net assets (line 13) by the student asset assessment rate (line 17) is that amount expected from student assets for educational purposes.

19. *Available other assets of applicant (and spouse) (line 19).*—In order to determine the amount of other assets which can be assessed for contribution for educational purposes, an other asset reserve of $7500 is subtracted from the net other assets (line 15).

20. *Other asset contribution rate (line 20).*—A contribution rate of 33 percent (recalculated each year) is expected from other assets.

21. *Contribution from other assets (line 21).*—The result of multiplying the student's net other assets (line 15) by the student's other asset assessment rate (line 20) is that amount expected from students' other assets for educational purposes.

22. *Standard contribution from income, assets, and other assets (line 22).*—The standard contribution (contribution before multiple student adjustment) from income, assets, and other assets is determined by adding the contribution from income (line 16), the contribution from assets (line 18) and the contribution from other assets (line 21).

23. *Multiple student adjustment (line 23).*—Adding the Income Contribution from annual adjusted family income to the asset contribution and the other asset contribution results in the expected contribution for one family member in postsecondary education from family income and assets. Some adjustment must then be made for those families in which more than one family member will be enrolled in postsecondary education for the academic year 1973–74.

Since each student has an allowance for costs of attendance, the family's discretionary income is effectively increased when there is more than one family member in

postsecondary education. In order to determine the appropriate percentages, the contributions expected from different family sizes were compared. These investigations indicated that 140 percent of the contribution for one child would be a reasonable assessment against the family with two students. Thus, each student would receive 70 percent of the contribution which the family would make if there were only one student in the family. Similarly, 150 percent of the single student contribution seemed adequate for the family with three children in postsecondary education; each student could expect 50 percent of the single student contribution. For families with four or more students, each family will be assessed 40 percent of the single student contribution for each child in postsecondary education.

The following table summarizes the treatment of families with different numbers of family members in postsecondary education:

Number of students	Contribution per student as a percent of standard contribution	Family contribution for all students as a percent of standard contribution
	Percent	*Percent*
1	100	100
2	70	140
3	50	150
4 or more	40	160+

24. *Total family contribution (line 24).*— The total expected family contribution for an independent student is determined by adding line 1 plus line 23.

CONTRIBUTION FROM ANNUAL ADJUSTED INCOME FOR INDEPENDENT STUDENTS—NO DEPENDENTS

Annual adjusted family income[1]	
$1,000	225
$2,000	975
$3,000	1,625
$4,000	2,263
$5,000	2,894
$6,000	3,516
$7,000	4,125
$8,000	4,732
$9,000	5,347
$10,000	5,976
$11,000	6,591
$12,000	7,201
$13,000	7,811
$14,000	8,404
$15,000	8,983
$16,000	9,546
$17,000	10,108
$18,000	10,671
$19,000	11,228
$20,000	11,768

[1] Adjusted gross income plus nontaxable income.

MARRIED INDEPENDENT STUDENTS WITH NO OTHER DEPENDENTS (OTHER THAN SPOUSE)—CONTRIBUTION FROM INCOME

Annual adjusted family income[1]	
Less than:	
$ 1,000	0
$ 2,000	0
$ 3,000	86
$ 4,000	515
$ 5,000	939
$ 6,000	1,358
$ 7,000	1,771
$ 8,000	2,176
$ 9,000	2,586
$10,000	3,005
$11,000	3,424
$12,000	3,833
$13,000	4,240
$14,000	4,635
$15,000	5,025
$16,000	5,408
$17,000	5,783
$18,000	6,158
$19,000	6,533
$20,000	6,900

[1] Adjusted gross income plus non-taxable income.

INDEPENDENT STUDENTS WITH DEPENDENTS INCOME CONTRIBUTION TABLE

Annual adjusted family income[1]	Family size										
	2	3	4	5	6	7	8	9	10	11	12
Less than:											
$3,000	$69	0	0	0	0	0	0	0	0	0	0
4,000	412	$235	0	0	0	0	0	0	0	0	0
5,000	751	577	$241	0	0	0	0	0	0	0	0
6,000	1,086	915	582	$327	$129	0	0	0	0	0	0
7,000	1,417	1,249	919	667	472	$255	0	0	0	0	0
8,000	1,741	1,578	1,252	1,003	811	637	$361	$120	0	0	0
9,000	2,069	1,906	1,583	1,339	1,159	933	705	470	$232	0	0
10,000	2,404	2,241	1,918	1,675	1,472	1,253	1,052	819	584	$346	$80
11,000	2,739	2,576	2,253	2,010	1,827	1,624	1,396	1,166	933	698	460
12,000	3,066	2,912	2,589	2,346	2,163	1,960	1,737	1,509	1,279	1,047	812
13,000	3,392	3,238	2,924	2,681	2,498	2,295	2,072	1,840	1,623	1,393	1,161
14,000	3,708	3,554	3,240	3,009	2,826	2,623	2,400	2,177	1,954	1,729	1,500
15,000	4,020	3,866	3,552	3,318	3,144	2,947	2,724	2,501	2,278	2,055	1,832
16,000	4,326	4,178	3,864	3,630	3,456	3,262	3,048	2,825	2,602	2,379	2,156
17,000	4,626	4,481	4,176	3,942	3,768	3,574	3,360	3,146	2,926	2,703	2,480
18,000	4,926	4,781	4,476	4,251	4,080	3,886	3,672	3,453	3,244	3,027	2,804
19,000	5,226	5,081	4,776	4,551	4,386	4,198	3,984	3,770	3,556	3,342	3,128
20,000	5,520	5,381	5,076	4,851	4,686	4,501	4,296	4,082	3,868	3,654	3,440

[1] Adjusted gross income plus nontaxable income.

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